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POLITICAL DEVELOPMENTS AND TENDENCIES¹

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It has seemed fitting, at this second meeting of the Association in New Orleans, where it was organized a quarter of a century ago, to give some attention to significant happenings during this period, in the affairs of the Association, in the field of political action, and in the analysis and interpretation of political phenomena. At least two former presidents have discussed some phases of these topics; but there is perhaps room for a difference of approach and emphasis.

When this Association was organized, the systematic study and teaching of political problems was but slightly developed. Only a few courses in public law and government were given in some of the larger universities. Of the twenty-five persons who were present at the organization of the Association, and the 214 who became members during the first year, a large proportion were primarily interested in history, economics, and other social studies with political bearings, rather than in political problems themselves.

In the constitution of the Association, its object was stated to be: "The encouragement of the scientific study of politics, public law, administration, and diplomacy." In the first presidential address, President Goodnow outlined the field of work of the Association as including political theory, constitutional and administrative law, comparative legislation, historical and

¹ Presidential address delivered before the American Political Science Association at New Orleans, La., December 27, 1929.

comparative jurisprudence, and political parties. He also noted the opportunity of the Association to secure the active coöperation of teachers of these subjects, and to bring together the student and those actively engaged in political life. A further indication of the plans of those who established the Association may be seen in the appointment of a series of standing committees on different branches of the field outlined, and the reorganization of these a year later into sections.

We may ask how far this prospectus has been carried out, and to what extent the scope of the Association has been broadened or contracted?

That it has established itself may be seen in the expansion of its membership, except for a short period during the World War, to over 1,900. These are in large part those engaged in teaching in the field of its interests; and this growth is an indication of the increasing attention to this subject in the educational institutions of the country. To some extent, public officials and others interested in political affairs have become members and have taken part in the meetings of the Association. But it must be admitted that these form as yet a relatively small portion. On the other hand, many members of the Association have had an active influence in public affairs; and coöperation between the student and public officials is much greater than it was.

The annual meetings of the Association have grown in interest and attendance. For some years these were held jointly with the older Historical and Economic Associations, and other societies in the field of social relations which have come into existence. In recent years it has been more difficult to bring together all of such organizations; and the Political Science Association has united with different groups. These joint meetings have made possible joint sessions for the consideration of common problems.

The particular topics considered have naturally varied from year to year; and there have been changes in the emphasis on different branches of the general field, with political develop-

ments. In recent years, little attention has been given to comparative legislation, colonial government, or jurisprudence. On the other hand, more time has been given to international relations, public administration, and methods of research.

A list of titles of presidential addresses would give some indication of the trend of developments. For younger members of the Association, it may be worth while to recall those of James Bryce on *The Relations of Political Science to History and Practice*, President Lowell on *The Physiology of Politics*, and Woodrow Wilson on *The Law and the Facts*. Most of the present members will remember the more recent addresses by Professors Dunning and Garner on *International Relations*, Professor Merriam on *The Progress of Political Research*, Professor Beard on *Time, Technology, and the Creative Spirit*, and Professor Munro on *Physics and Politics*.

The general plan of standing committees and sections set up at the beginning did not function for a time. But important work has been done by a number of committees; and the recent development of round tables at the annual meetings may be considered a revival of the original plan in a modified form; and these seem now to be well established.

Attention has been given to the problems of instruction in government. A section meeting on this subject was held in 1905; and a committee report was presented in 1908. In 1910 the study of government was discussed; in 1912 a committee on the teaching of government considered laboratory methods; and in 1913 there were committee reports on instruction in colleges and universities and practical training for public service. The more recent committee on policy has made an extensive survey of instruction in political science in universities and colleges, and in technical and normal schools.

A committee on research established in 1921 has given increased emphasis to systematic investigations, was responsible for a series of summer conferences held for three years on methods of research in political subjects, and initiated the movement for the organization of the Social Science Research Council.

The committee on policy appointed two years ago has made extended surveys of the different fields of interest of the Association, and proposed a program for further development.

The publications of the Association have formed an important means for extending its influence. For ten years, an annual volume of the papers and proceedings of the annual meeting were published. From time to time, important committee reports have been issued, notably that on The Teaching of Government. In 1906 the quarterly *American Political Science Review* was begun, and has furnished a medium of increasing scope and importance for the publication of important articles in political science, and through its special departments for noting important developments in the political field and records and reviews of publications.

The Association may be said to have fully justified its formation, to be firmly established, and may well look forward to continued life, with an expanding field of usefulness.

A quarter of a century is a brief span in the recorded history of the world. But the first lap of the present century may well seem of outstanding importance to those who have witnessed the march of the times, and signs are not lacking that in the future it may be considered one of the great turning points in political development.

It may be worth while to recall some features of the political situation at the time when the Association was organized. Theodore Roosevelt was president of the United States, as successor to President McKinley; but it was before the intense activity of his term as president in his own right. It was early in the reign of Edward VII in Great Britain, with Balfour as prime minister. William II of Germany was in the second decade of his reign; and Émile Loubet was president of France. It was after the Sino-Japanese, Spanish-American, and South African wars, and before the Russo-Japanese war, and international relations were quiescent, though new problems were in sight.

During the first decade in the life of the Association, before the crisis of the World War, there were significant events. President Roosevelt's elective term set a new high water mark in the tide of centralization and executive power in the United States; and these tendencies were also reflected in the records of such state governors as Hughes and LaFollette, the adoption of two amendments to the "unchangeable" Constitution of the United States, and the legislation during the first term of President Wilson. In Great Britain, the revival of the Liberal party was marked by increased governmental activity in social and financial legislation. In France, a more concentrated party organization led to more stable government, and an active assertion of the authority of the state over the church. Revolutions in Turkey and China were signs of the political awakening of the East to the influence of democratic ideas; while the Russo-Japanese War demonstrated the self-determination of an Asiatic power, which altered the face of international relations.

At the same time, the tendency toward a more popular basis of government continued, by the extension of suffrage in European countries, the increasing agitation for woman suffrage, and the adoption of direct primaries, and the initiative and referendum, in the United States.

The World War not only was the most stupendous conflict in the history of mankind, but marked the climax of centralized governmental authority in the contending nations. But the transformations in institutions which followed have a more permanent significance to the scientific student of political affairs.

Ten years ago, at the close of the World War, our president, Henry Jones Ford, compared the situation during the war to the upset of a stage coach, which had dislodged the student of politics from his observation post to take a direct part in the emergency. Expanding the metaphor, it may be suggested that there had been a general crash of political vehicles of various sorts at an important cross-road, which sent some of

the machines to the junk pile, and damaged most of the others so as to call for extensive repairs. It may now be possible to survey the new models now on the roads, to note the directions in which they are moving, and to consider what developments have taken place in the methods of observing and testing political machinery and in devising traffic regulations to prevent further collisions.

First may be noted the downfall of hereditary monarchies and the establishment of democratic republics in most of Europe, with the enlargement of the basis of popular government in many countries to include women, and the introduction of systems of proportional representation. In the early and middle nineteenth century, such changes would have been considered a movement away from centralized government. But the new democratic republics of Europe have adopted the more centralized cabinet system in preference to the American legal separation of powers; and the German Republic is more highly centralized than the former German Empire. The rise of the Socialist and Labor parties, which has come with the new democracy, has meant an increased exercise of governmental authority, which has reached a maximum in the dictatorship of the proletariat in Russia. More recently there have come to power a number of single dictators in several countries; and in most countries executive authority dominates the representative organs of government. Even in England, the Lord Chief Justice has called attention to "The New Despotism" of the bureaucracy.

On the other hand, there have been the "balkanization" of Europe by the emergence of new and smaller states from the former empires of Austria-Hungary and Russia, the notable increase of dominion authority in the British Commonwealth of Nations, and the beginnings of self-government for British India.

But these tendencies toward decentralization are, at least to some extent, counterbalanced by the developments in the field of international organization. The League of Nations,

the Permanent Court of International Justice, the readjustments of reparations, are all agencies in a larger political synthesis. Even the United States, in the Washington Conference and the Kellogg-Briand Peace Pact, has taken part in the work of international coöperation.

Within the United States, there has been some decline in executive authority in the national government, though there have been important illustrations of effective leadership by state governors, and new signs of executive leadership are evident at Washington. Moreover, federal centralization proceeds apace—as indicated by prohibition, federal aid to roads and education, and in other fields. But those who declaim about the “vanishing rights of the states” overlook the steady expansion of state activities, and the reorganization and centralization of state administration. In the field of local government, the importance of municipal government and the concentration of power in mayor, commission, or city manager continues to develop; while less generally appreciated is the expanding importance of county government, and the decline of the township.

It may be said that the top-heavy stage coach of dynastic rule has about disappeared, and that the new political vehicles have a more extended basis of popular support, greater power of action, and more concentrated control at the steering wheel. Traffic signals, and a traffic court, have been provided. But the roadway, tires, and shock absorbers do not seem adequate to furnish complete smoothness of motion; and some vehicles show signs of serious internal difficulties. The rules of the road have not yet been fully formulated; some accidents have occurred, others have been narrowly averted, and more serious and more general collisions are still possible.

The analysis and interpretation of political phenomena during this period has not been limited to contemporary events; and it may be worth noting some results of studies in earlier periods. Anthropologists and ethnologists have added much

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to the knowledge of primitive stages of social development, through the discovery and study of "fossil" remains of prehistoric civilization and of primitive peoples. Investigations of buried cities have made more definite the extent and nature of early political and legal institutions to the time of Hamurabi and the Sumerians.² Study of early Asiatic writers has disclosed the germs of laissez faire and socialism, and the right of revolution, in the ancient Chinese classics, and a treatise on the art, if not the science, of public administration in India at the time of Aristotle.³ The period of the older empires—lethargic political dinosaurs (the prototypes of Hobbes' Leviathan)—may well be called the true middle ages, the Mesozoic period, of political development. The warm-blooded, humanistic, and later humanitarian, state first emerges into view with the small Greek city-states, submerged in the glacial period of the Dark Ages, to reappear in the Renaissance.

During the present century increased attention has been given, not only to the social and political institutions and life of the Renaissance, but to the political theories and interpretations of that time,⁴ and these have been accepted and applied to present-day conditions by some recent writers. Indeed the most notable contribution to the discussion of fundamental political principles in the early years of the present century was the criticism of the doctrine of sovereignty by such writers as Duguit and Laski, whose views seem to be in accord with the loosely organized political arrangements of the Renaissance. The school of pragmatists in general philosophy aided this tendency, which still influences the discussions of the present time.

But philosophical interpretations of political tendencies during the last decade, like the trend of political events, indicate the operation of conflicting factors. Even Mr. Laski, in his *Grammar of Politics*, while adhering to the ethical criticism

² C. L. Woolley, *The Sumerians; The Code of Hamurabi*, trans. by R. F. Harper (1904).

³ W. S. Pott, *Chinese Political Philosophy* (1925); Kuo-Cheng Wu, *Ancient*

of sovereignty, admits the legal doctrine, and in his discussion of governmental organization he is not willing to endorse any legal limitation on the legal sovereignty of the British Parliament.

The nineteenth century was notable for advances in the physical and biological sciences; and the results of extensive, systematic, and intensive research in these fields in the formulation of comprehensive and supposedly immutable laws and principles so far surpassed the efforts of students of political and social movements to explain the complex variety of their phenomena by simple and lasting principles that the term scientific has been largely appropriated by the former. Not only the foundations, but the main superstructure, of these sciences had been built, and future developments were looked for mainly in working out the finer embellishments. In physics, it was said that its future lay beyond the sixth decimal point.

But in the new century the foundations of the older physics have been undermined; and along with new discoveries and applications of vast practical importance, the former certainty of absolute laws has given way to new views of workable formulas based on statistical averages, with the principle of indeterminacy and uncertainty as to the most fundamental data. As Eddington has said, the latest conception of the structure of the atom is little more definite than the nonsense verses of Jabberwocky:⁵

“The slithy toves
Did gyre and gimble in the wabe.”

Even in the last century, however, some scientists had a realization of the difficulties of absolute rules, and some appre-

Chinese Political Theories (1928); Kautilya's *Arthashastra*, trans. by R. Shamasastri (1915), B. K. Sarkar, *Political Institutions and Theories of the Hindus* (1922); U. Ghosal, *History of Hindu Political Theories* (1923).

* R. W. and A. J. Carlyle, *History of Medieval Political Theory in the West* (1902 ff); Otto F. Gierke, *Political Theories of the Middle Ages*, trans. by F. W. Maitland (1900); F. J. C. Hearnshaw, ed., *Social and Political Ideas of Some Great Medieval Thinkers* (1923).

⁵ A. S. Eddington, *The Nature of the Physical World*, p. 291.

ciation of the complexities of their problems, which have a resemblance and an application to those of political and social phenomena. In my undergraduate days, Professor Shaler set forth the view that a plexus of factors must be considered to account for the formation of glaciers, as it must for most social happenings; and that tremendous alterations in the physical world might result from slight changes in conditions at critical points, as by a change in temperature from just below to just above the freezing point of water. William James made an earnest plea for the word "some," which those fond of sweeping universals are apt to overlook. He recognized the limitations in the method of analysis, and saw that human experience was not merely an aggregate of distinct sensations, but a fluctuating whole that was more than the sum of its parts—anticipating, in part at least, the ideas of the present day Gestalt psychologists. Organic chemistry illustrates the immense variety of manifold combinations possible from a limited number of elements. The student of political affairs may well keep in mind the complexities of his problems when asked for a simple solution.

The interaction of complex, and often conflicting, forces has many applications. More than fifty years ago, Bagehot noted as the underlying conditions of social progress the opposing principles of custom and novelty, of stability and change.⁶ The same combination may be seen in the factors of heredity and variations which form the basis of biological evolution, in the economic doctrine of the equilibrium of supply and demand, and, as shown by Professor Dewey, in the elements of habit and impulse in the development of human character and conduct. A few years ago, the president of the American Historical Association named as the first two of the general laws of history the law of continuity and the law of mutability.⁷

More general recognition of this paradox in the field of political discussion might open the way to a reconciliation of

⁶ "Politics and Science," 18 *Scientific Monthly* (Jan., 1924).

⁷ *American Historical Review* (Jan., 1924).

opposing forces. Bryce's analysis of the opposing claims of liberty and law should temper the extreme advocates of freedom and of law enforcement. Early in the century, Professor Dicey noted the dilemma in the problem of liberty of combination. More recently, President Hadley has called attention to the inherent conflict between the ideals of liberty and equality;⁸ while Professor Dunning's presidential address traced the long rivalry between these principles in the field of international relations. The trend of political developments in the present century may perhaps be summarized as a combination of despotism and democracy.

Without accepting the extreme views as to the economic interpretation of history and politics, economic principles and considerations have important applications not always recognized. The thesis of Mr. Kales' book on *Unpopular Government*, that the long list of elective officials and numerous elections in this country result in less effective popular control of government, indicates a failure to appreciate the political law of diminishing returns.

On the other hand, the principle of the division of labor has been applied to government in the political doctrine of separation of powers, and extended even beyond that doctrine in the multiplication of governmental agencies; but without a coordinating agency, only inadequately furnished by our present political parties.⁹ The recent tendency to displace the two-party system by economic blocs has been criticized as a type of collective bargaining;¹⁰ but the two-party system itself may be considered as a more comprehensive process of collective bargaining.

Machine methods and large-scale production have been applied to politics, not only in the conduct of election campaigns, but in developing a governmental structure which yields quantity production of legislation. But it can hardly be said that

⁸ A. T. Hadley, *The Conflict between Liberty and Equality* (1925).

⁹ "Separation of Powers," 21 *Michigan Law Review*, Feb., 1923.

¹⁰ A. T. Hadley, *Economic Problems of Democracy* (1923), pp. 79 ff.

as yet satisfactory standardized models have been established, while the advantages of highly skilled craftsmen have been lost.

Economic considerations may also throw light on the trend toward the concentration of political power, and the perennial problem of centralization and decentralization. This tendency may be noted in several directions, often discussed without recognizing their interrelation. The supporters of local home rule against state control often fail to see that the growth of cities and the expansion of municipal functions are also important examples of enlarging spheres of public action, which is gaining ground in the movement for regional planning and regional government. The notable increase in the activities of the national government, and the more recent developments in international organization, are parts of the same general tendency. While in all governmental systems, the increase of executive authority is another phase of the same movement.¹¹

At the beginning of this century, Professor Dicey called attention to the change in the direction of legislative policy in England from the era of Benthamite individualism during the middle period of the nineteenth century to what he called collectivism during the last third of that century.¹² He explained this change of direction by a shift in public opinion on social problems, but noted also its harmony with the development of large-scale and corporate action in the field of commerce. Other economic factors affecting the situation were the applications of steam power to large-scale manufacturing industry, and the development of rapid communication by telegraph and telephone. These changes in the scope and organization of economic activities account in large part for the increased activities of national governments in international affairs, and in the United States, in the field of interstate commerce, and at same time have been closely related to the stu-

¹¹ "Administrative Legislation," *Michigan Law Review*, Jan., 1920; C. T. Carr, *Delegated Legislation* (1921); Lord Hewart, *The New Despotism* (1929).

¹² A. V. Dicey, *Law and Public Opinion in England* (1905).

pendous development of large urban communities and their special problems.

The twentieth century has seen steam power supplemented by hydro-electric power; steamboats and railroads by automobiles and aëroplanes; and telephone and telegraph by the moving and talking pictures and the radio. The old areas of social and economic activities have been enormously expanded; and the large-scale corporation form of management has been extended to all forms of business life, on a steadily expanding scale. A recent French writer has styled American business methods "the high water mark of super-collectivism."¹³ But the same tendencies may be seen in other countries toward the organization of economic and social affairs on a national and international basis.

Political centralization is, then, but one aspect of a general movement in all fields of human action.¹⁴ One factor affecting its development, especially in the United States, perhaps even more in the future than in the past, has hardly been realized as yet. The national income tax, with its accepted principles of progressive rates and centralized administration, gives to the central government vastly greater financial resources than those of the states and local governments, and thus provides the means for a still greater expansion of national centralization, of which flood control and farm relief are the latest illustrations.

Another factor which in some respects retards the movement toward political adjustment, and in others forces it into larger units than would otherwise be necessary, is the rigid character of our political and administrative areas. With our present state boundaries, many problems of interstate commerce must be handled by the national government which could be dealt with by state governments if the country could be regrouped into a smaller number of larger states. County

¹³ A. Siegfried, *America Comes of Age*.

¹⁴ *Centralization of Administration in New York State*. Columbia University Studies, vol. 9 (1898), ch. 6.

areas established in the days of mud roads and ox-carts, and difficult to change in most states, are too small for an age of motor cars and concrete highways; and functions which might be performed by larger counties must now be carried on by the states, by private corporations, or not at all. City boundaries are subject to change, but it is becoming increasingly difficult to expand our larger cities to include the whole of the rapidly growing urban regions. There is need for a more thorough appreciation of the fact that governmental areas require a territorial as well as a jurisdictional field of action adapted to the social and economic conditions of the times.

It may be possible in time to secure a more satisfactory arrangement of local areas. In the meantime, there is a notable development of special districts and special authorities, which serve to meet emergency conditions in some fashion, but add to the complexities and difficulties of local government.

In the larger field, any readjustment of state lines seems as yet a distant prospect. Some beginnings have been made in the coöperation of neighboring states on projects of common interest; and this process may well be encouraged. There have also been some steps taken by the national government in the direction of administrative decentralization, which might be further developed as a counterpoise to the growing legislative centralization. State officials could be more largely used in the administration of national laws, and the policy of grants-in-aid applied to secure more active coöperation between state and national officials. Various agencies of the national government have found it convenient to divide the country into a limited number of large sectional areas, as the ten judicial circuits, the transportation districts of the Interstate Commerce Commission, the federal reserve bank districts, and the federal land bank districts. But as yet these districts have been formed on distinct lines for each purpose. May it not be possible to divide the country into a limited number of such districts for several purposes; and for the national government to establish in such districts advisory councils,

chosen on functional lines, which might assist the administrative officials? By such means a better equilibrium might be secured between the forces of centralization and decentralization.

But the balance will not be a permanent status, nor even like the swing of a pendulum, alternating in equal movements from a fixed center. The variations of political and social forces have more resemblance to the flow and ebb of the tides, where the normal daily rise and fall is surpassed each month, and still more at the equinoctial periods; while the record of centuries may show a continuing advance or recession. Or again, they have been compared to a spiral, where each return of a cycle is in a different plane—but whether higher or lower will depend on the viewpoint of the observer.

An important field of work for the members of this Association is the investigation of such tendencies and problems. This calls for intensive inquiry into the facts of the situation, with the impartial attitude of the physical scientist. It also calls for critical analysis of the data, and for insight and imagination to determine the factors that explain the results. This will involve the presentation of hypotheses and theories to be tested and accepted only so far as they satisfy the conditions.

As to the final outcome of political development, we may indulge in speculations for the distant future with as much, and no more, certainty than the physical and biological scientists. If, like Henry Adams, we accept the second law of thermodynamics, we will follow the astronomers, who looking backward and forward for millions of millions of years, can find no beginning, and at last the ultimate annihilation of energy,¹⁵ and will agree with Spengler as to the permanent decline of western civilization. But we may also find a more hopeful view in Millikan's theory of cosmic rays, as evidence of a continual creation of energy by the formation of atoms, or in the biological doctrine of progressive evolution, in the light of Bergson's philosophy of creative evolution.

¹⁵ James Jeans, *The Universe Around Us* (1929).

THE PRAGMATIC ELECTORATE

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I. DEMOCRATIC CITIZENSHIP

Political science has dealt too long, on the one hand, with the ideal, and, on the other hand, with the abnormal and perverted features of political society, rather than with the normal and the eventual. Our theory of ideal democracy¹ is perhaps more suited to the Greek and Roman city-state, with participation as the test of the good citizen.² Representation has been heralded as the device which makes the ancient ideal possible on a large scale. But in practice it has been found that the enormous expansion of the public, i.e., the body of persons who have the right of participation, has made the problem far more complex than was at first thought possible. Greek ideals of education and coercion of the citizen body toward general improvement have been carried out with greater success, and our statute books reflect a Hobbesian attitude toward human nature which is true only in part. The political philosophy of democracy must be built on the facts of political life.

Shall we break with the Greek and Roman ideal of the participation of the citizen group in the affairs of the state? It is true that the present attitude is a revised form of the demo-

¹ Democracy may mean either a form of government or a social philosophy. The older theory has generally limited it to a form of government. This is clearly shown in the writings of Bryce and Maine. It seems we must think of it more in terms of a general appreciation of human personality, or as a social philosophy underlying the modern constitutional state, though as a political process it may be viewed as a form of government. Pragmatism is here taken to mean the application of the doctrine of consequences to political concepts. The true concept is the workable one. Hence, pragmatism is for politics more than a theory of truth, or a method of ascertaining truth; it becomes, in fact, the justification of a program in which the ideal is tested by the actual.

² Cf. Harrington's "Oceana," in *Ideal Commonwealths* (New York, 1901), p. 239, for an early modern statement of this view.

cratic ideal of antiquity, but with a different interpretation of the meaning of citizenship. All democratic governments must finally rest on some theory of the suffrage; any study of the fact of non-voting must be based on a theory of the suffrage likewise. With the expansion of the theory of citizenship to include all subjects, a corresponding theory of limited participation was developed—no doubt a product of the Middle Ages. The totality of citizens was distrusted, and some test of participation had to be devised. Such was the origin of religious tests for political participation; such was the origin of the distinction between the right to vote and the fact of citizenship.

With the broadening of the franchise in the nineteenth century, the older ideals have come to life again, and in a general way the theory now is that a citizen should vote. Eligibility to vote, as defined by statute, does not logically carry with it the duty to vote, but those who favored or opposed a general franchise assumed that the people would vote. The fact remains that our government was organized during a period of mistrust of the ordinary citizen; it was not designed along the ideals of antiquity, but rather against the harmonizing of political participation and citizenship. The eighteenth-century French distinction between active and passive citizenship, found in the constitution of 1791, is implied in the colonial and early state restrictions on the right to vote. The extreme democratic sentiments developed during the nineteenth century, however,—whether because of frontier influence or of a general world democratic movement does not matter—take a very different position: citizenship, in a real sense, means active participation in politics; it implies very much the same definition as was given by Aristotle.³

³ The conservative contemporary theory is stated very well in W. B. Munro, *The Government of the United States* (New York, 1925), pp. 101-113. Following Thomas M. Cooley, Munro argues the connection between the vote and public welfare; the vote is a privilege given for community benefit, therefore there is an obligation to exercise it. Of course, the qualifications for voting must be laid down by the state. The restrictions imposed are obviously for general welfare,

This paper is an evaluation of these competing claims as to the nature of democratic citizenship. Necessary to it is a theory of the franchise; and the suggestion is made that ultimate participation is more important than constant participation; that the vitality of democracy comes from a right of protest, of self-protection, not from the fact of participation; that the right to vote is not an office, a public trust, or a natural right, but a privilege granted in democracies for self-protection of the individual; that the vote is in reality a check on those who govern; that this is in accord with the general ethical view of the value of human personality; and that such a set of propositions is consistent with a pragmatic view of the state, and with such practical knowledge of the democratic process as we possess.

In determining the nature of modern democracy, pragmatic tests are more valuable than absolute ones. It is a fact that most men do not vote unless they feel that they have something at stake; it is probably a fact that few men vote simply because they feel that it is their duty to do so. Perhaps it is possible to learn by experience, but many civic organizations do not. Count over the innumerable elections in which only a portion of the qualified electorate has voted, and on the sheer extensiveness of our political experience we may as well give up as a lost ideal the notion that all persons qualified will or should vote. It is possible that in the reconstruction of the democratic process we will reckon on a fourth or a half of the possible electorate actually voting. Could this not be considered the normal, even ideal, condition in democracies? If such an interpretation were accepted, our whole political life would immediately become more real; the wasted energies directed to-

but these are considered to be exceptions to the general rule that adult citizens, under proper conditions, should be able to vote. It is doubtful whether the privilege of voting was established on a purely general welfare theory. More probably the doctrine of equality and nineteenth-century individualism brought it about. Those who have opposed suffrage extension have undoubtedly made a wide use of the general welfare theory.

ward getting a naturally indifferent electorate to vote might be turned to other and more fruitful channels.

II. THE THEORY OF NON-VOTING

It seems that such an interpretation of the process of democracy may be defended on theoretical as well as practical grounds. An essential part of this notion of the democratic process is, however, that the right of the masses who do not vote should not be taken away. Perhaps once in ten years a citizen may feel a keen interest in a particular public question. He will have an interest in the problem according as he interprets his own relation to his government; and his right of participation, as an habitual member of the inactive electorate, should not be taken from him. It is the ultimate right of protest on the part of the citizen that makes democracy a living force, and not the individual's actual and continued participation.

Let us examine the grounds for this position, without making too great a distinction between theory and practice in democracy. To begin with, the structure and ideals of modern society go counter to the notion of all persons participating in the process of democracy. It is a far cry back to the more simple days when interests in life, aside from the problem of subsistence, were few. Today we accept the settlement which has been reached in the rule of law, in constitutional government, and the responsibility of public officials for their acts. Not only has the problem of governmental structure been settled to the satisfaction of most persons, but the complexity of modern relationships gives men much to think about besides political or religious matters. The modern citizen's mind is filled with the echoes of an industrial society. Only when government intrudes beyond the sphere in which his interests dictate that it should work is he aroused. This may be once in a life-time, or every four years. The field of art in all its complexity, the talkies, the radio, the newspaper carrying the infinite stimulations which society has created, the wealth of

books and magazines—all lead natural interest away from the somber realities of government. Yet government must work, and it must justify itself by the service it performs, not upon an abstraction which may be called perfect democracy. The very nature of modern society demands that we recognize once and for all that, normally, only a few will participate in the conduct and direction of public affairs. As Bryce remarked that there has never been anything but the government of the few, so we might add that the electorate in the active sense will always be the few.⁴

The nature of public opinion justifies the position taken with regard to the democratic process. An immediate and challenging field, indeed, presents itself in the nature of opinion. Is opinion permanent or constantly changing? We may follow the modern prophet of mutability, Lippmann, or a more ancient teacher of permanency in opinion, John Locke. In Section 223 of the *Second Treatise of Civil Government*, the latter remarks: "To this perhaps it will be said, that the people being ignorant and always discontented, to lay the foundation of government in the unsteady opinion and uncertain humor of the people, is to expose it to certain ruin: And no government will be able long to subsist, if the people may set up a new legislative whenever they take offence at the old one. To this I answer, quite the contrary. People are not so easily got out of their old forms as some are apt to suggest. They are hardly

⁴ A recent book by Charles Merz (*The Great American Band Wagon*, New York, 1928) suggests by implication that the really remarkable fact may be that there is as much interest in politics as there is; for politics offers no exciting escape from the realities of life as do a thousand other things, such as the radio, the automobile, and the tabloid. Cf. A. R. Lord, *The Principles of Politics* (Oxford, 1921), p. 161. "The more frequently elections are held, the less interesting and important they appear to be, and the less likely is a busy man to go out of his way to record a vote. Private affairs in populous and prosperous communities have assumed an abnormal and disproportionate importance; and amongst those who are immersed in commercial enterprises, political duties, except where they directly affect private businesses, are apt to be resented as an intrusion upon and an interruption of the normal course of life. The professional and the economically influential classes tend more and more to ask for government without trouble."

to be prevailed with to amend the acknowledged faults in the frame they have been accustomed to."

If this is the nature of opinion, does it need to be expressed and re-expressed in constantly recurring elections? Suppose the government is following without deviation the fundamental views of most of the electorate. Should the electorate reaffirm their views every two years? Fundamentally, Locke is correct. Ancient and modern study of social attitudes demonstrates that political views are long in development and firm in their constancy. Public opinion should generally be associated by its very nature with the fundamentals of government, not with superficial, pendulary oscillations. There is, in fact, no more easy misconstruction of public opinion than that which arises from the shift of views on personalities and policies of passing interest. Public opinion is not formed today, but through many yesterdays. It swings back and forth, to be sure, but only in a narrow ambit. It is natural for the mass of men, conservative in their political views and appreciations, to accept government so long as government obeys the fundamental currents of opinion. What difference does it make in the average of public personalities if one man or another is chosen, so long as the government is thus conducted? Men, and therefore governments, react in patterns.⁵ P 35423

Constitutional government, while originally designed to prevent the balder forms of tyranny, has enabled government to provide an eventual control of misconduct through its internal machinery, and has given politics a stability which makes it conform with the essential contents of public opinion. Americans are fond of the phrase "a government of laws and not of men." They recognize the constitutional structure as fundamental, and so long as it is not impaired they do not worry. Constitutionalism provides grooves along which all public officials, whether efficient or inefficient, must move. For the sake

⁵ Cf. A. V. Dicey, *Law and Opinion in England* (London, 1920), p. 19; also H. S. Maine, *Popular Government* (New York, 1886), pp. 127ff, stressing the essentially conservative character of public opinion.

of security, we have hampered the genius in politics in order to add strength to the weak and the mediocre. A government of laws makes the recurring expression of opinion less necessary than in a government of men with democratic leanings. It may be supposed that there is no government save that of men. Men control, but it is Cæsarism according to law. Perhaps Hobbes deserves as much credit as any one for pointing out that men in society are largely equal in their overt political capacities. Subjective elements loom large at given times, but in the long run men govern as equals in ability. This may be noted as the great justification for the rule of law and the restrictions which it places on the rulers and the ruled alike. Our political structure depends upon fundamental opinions expressed in the rule of the constitution, and not upon the free play of individual genius. Thus the very nature of our government makes the continuous expression of opinion less necessary. We have so organized government that people may place reasonable trust in it, even if this means that mistrust may limit it. The structure of constitutional government makes it possible for a small minority, controlled by fundamentals of opinion expressed in the constitution, to direct public affairs satisfactorily.⁶

Let us consider the function of the judiciary in the democratic state. Upon what do political and civil rights depend? Do they depend on the continuous consent, expressed in recurring elections, of the electorate that such rights shall be preserved? They depend, rather, on one great expression of popular belief embodied in the written constitution. A constitution is more than a system of limitations on government; it is the synthesis of the public opinion of a generation. State constitutions are growing at present along economic lines. Fundamental opinion is slowly changing and finding a lasting expres-

⁶ Cf. J. Allen Smith, *The Spirit of American Government* (New York, VTVEQ, pp. 209ff, for an adverse criticism of American government on these grounds. Smith contends that the devices in the American Constitution to check ordinary majorities tend to defeat popular will and rob it of vitality, thus diminishing interest in government.

sion in the constitution as the supreme law of a political unit. The constitution represents the organization of stable opinion, and, so far as the individual citizen shares in these views, he may consider them safely preserved. He need not go to the polls on each election day; his life, liberty, and property are safe in the hands of the government. Active interest does not lead him to participate in public affairs; rather does it lead him away from such participation. Rulers may come and go, but they are bound by law to give reality to the lasting elements of public opinion. It is the judiciary, enforcing the constitutions of the states of the United States, that gives safety and reason to the lethargic policy of the electorate. If an official is dishonest, an effective remedy for the wrongs for which he is responsible is not at the polls, but in impeachment or criminal prosecution. What has the average man to do with this? His opinion, or that of his forebears in which he tacitly concurs, is crystallized and guaranteed in fundamental law. His government is organized to hold his confidence from birth to death. It matters little if civic organizations cry for a full registration, if party workers offer transportation to voting booths, or if other influence is brought to bear upon him; he may rest comparatively assured that the winning organization is bound by law, and that he still has protection under the constitution through the judicial branch of the government. He knows also that if he should need the ballot box it is always there as his residual right of protest. The judiciary, or opinion expressed by other means than the vote, will enforce the rules of the game of politics.⁷

We must re-evaluate the democratic process. An older and unsound theory must go by the board if a pragmatic test is of any value. But democracy as an expression of the value of human personality would not be impaired by a revision

⁷ See C. M. Walsh, *The Political Science of John Adams* (New York, 1915), p. 226: "Still, the Constitution . . . exists. It is the instrument attesting the people's act. It frees them from the need of continual surveillance, which, in fact, is left to the judiciary as the custodian of the people's reserved rights." Cf.

of the process through which it is expressed. Intelligent citizens who do not vote do not prove by their actions that they do not believe in democracy as a social ideal. By staying away from the polls they set forth anew their belief that constitutional government works, and protest, perhaps unconsciously, their disbelief in the current idea of the democratic process. If a man does not vote, it does not mean that he values his political personality less than do those who vote. He merely sets up a value in competition with the value of the vote. The non-voter would never admit that he has no rights in the government; he is not convinced by mere argument that as a public duty he should vote when he does not feel that it is necessary. Should we not reconstruct our theory to fit this political reality?

Furthermore, we have never completely succumbed to democratic theory. Part of the American concept of public opinion has a tendency to diminish the interest of the voter, since many of the most disturbing political issues have been removed from the immediate theatre of politics and the control of the majority. The rights of the majority have always been limited by the rights of the minority. We are not in reality far from the theory of natural rights, which, through its seventeenth-century spokesman, Locke, contended that men as well as legislatures are bound by the fundamental laws of nature. Rights

the statement of Marshall, cited in C. E. Martin, *An Introduction to the Study of the American Constitution* (New York, 1928), p. 66. Cf. also M. B. Rosenberg, "Administrative Law and the Constitution," 23 *American Political Science Review*, 38-39: "One of the undesirable results of the constitutional, as opposed to the parliamentary, system is that it engenders in our lawmakers a feeling that they are not directly responsible for the consequences of a law if the law is constitutional. In the public mind the responsibility for bad law is placed upon the courts." It should be observed that the effort to make the naval oil leases of the Harding administration a political issue failed, and that judicial remedies are more effective. The ballot seems to be a highly uncertain weapon against corruption. The so-called "aroused electorate" seldom wins against the party or the machine, and even more seldom twice in succession. A few indictments and sentences to terms in the penitentiary are usually more effective in smashing corrupt rings.

were put into the Constitution of the United States because they are fundamental; they are not fundamental because they are in the Constitution. Democracy is thus the functional aspect of government limited by nature. Natural and moral law, it is claimed, are far above the concept of public opinion with its pragmatic ethics. The right of public opinion on certain values is the right and liberty of obedience, not of substantive formation. The liberty of public opinion is the acceptance of ideals "whose service is perfect freedom." So the Supreme Court considered in the *Insular Decisions*, when it spoke of fundamental rights which not even the supreme power of the United States may take away. Republican liberty, it has been believed, is something that not even public opinion can meddle with too much. It has not been long since most men considered the laws of economics as outside the function of the state. But we are beginning to learn, with Mr. Justice Holmes, that, since the Constitution of the United States did not enact the *Social Statics* of Mr. Herbert Spencer, public opinion may construct its own laws of economics.

The prohibitionist does not take the view that public opinion may justly decide against prohibition. The highest and noblest right of public opinion is merely to render homage to the iniquity of drink. Once having recognized this, the function of democracy is over, and the legal and moral absolutism of the state must secure enforcement. It is thus possible for prohibitionists to question the patriotism of those who, under the guise of public opinion, seek to change prohibition legislation. But above all stand the rights of life, liberty, and property against the interference of untaught public opinion. Yet, what more fundamental questions are there in the modern state? If we exclude these questions from public opinion and submit them to the immutable arbitrament of the law, is it remarkable that men do not take the vote as seriously as they might under different circumstances? The patent fact is that these issues have been removed from the scene of active controversy by public opinion itself. They are natural and immutable rights

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because we have not yet reached the stage of natural rights with a changing content. If all these more fundamental issues were brought within the range of current political strife, minorities might feel a justly greater hope for change in the future.⁸

III. THE BALLOT AND THE BALANCE OF POWER

A weighty objection to the position here taken is that a full and complete vote by all qualified persons is essential to preserve the ethical content of our political institutions and to enable the fit to govern. It is asserted that those who do not vote are generally the more capable politically. It may be asserted that such a belief is not proved. There are non-voters, both competent and incompetent, in all classes and groups. It is a mere assumption that those who now hold public office and direct policy or administration are more incompetent than would be the case if all qualified persons voted. The balance of power in politics probably would not be shifted if all groups voted uniformly, since the active electorate would draw strength from the competent and incompetent alike. The defect may be in the organization of government rather than in the electorate. Our political science, from the time of *The Federalist* to the present, has been colored by the notion that good organization of government is essential to secure public confidence and efficiency.⁹ We cannot be certain that if all the fit voted any material change would take place in any branch of the government which could not be more adequately secured by proper governmental organization. Woman suffrage has not vindicated the claim that women, being more fit, would purify politics. The woman influence has generally been incor-

⁸ See James Bryce, *The American Commonwealth* (New York, 1919), II, Ch. 58, for a discussion of the relation of interest in politics to the type of issues considered, showing in general that American politics is less interesting than European because of the removal of important issues from active political conflict. Bryce does not, however, in this connection emphasize constitutional provisions.

⁹ Cf. Henry J. Ford, *Representative Government* (New York, 1924), *passim*, for one of the ablest recent discussions of the importance of the organization of government.

porated into the party organization when there has been any active interest. If the so-called competent citizen voted more, he would probably vote, not for himself or his kind, but for the same class of officials now found in public office. The great public, it would seem, is more interested in rights than in the adumbration of popular sovereignty.

It is argued that with a wide popular vote of all those who now stay away from the polls the power of the party would be broken, or at least that of the machine. Rather—if the history of politics is of any value—this would probably result, at best, only in the substitution of one machine for another, and perhaps the continuation of the old one. Independency without leadership is not a practicable program, and voters of an independent turn of mind must have leadership to be effective in politics. For this they might turn to the party. Such seems to have been one of the motives behind the movement for the direct primary. But, even so, the sanction of honesty in the individual official is before the courts rather than at the ballot box. At any rate, those who are trying to purify politics by getting more persons to vote should try to organize government so that the confidence of the people is readily given, particularly in local government. Yet it is doubtful whether a thoroughly successful city-manager form of municipal government, or the wide use of experts in government, would or could have any other natural effect than to diminish the interest of the voter in the constantly recurring elections.¹⁰

Before leaving this problem, it is well to ask if the fit do not really govern. Corruption in politics and the general venality

¹⁰ In a recent article, Professor Munro criticizes civic uplifting campaigns, asserting that the technique employed has not been tested by scientific means, and that much of the money spent is wasted because of the sheer irrelevance of the means employed to the ends desired. Bawling at the voter to come out and vote will neither improve the quality of elective officials nor materially increase the total number of votes cast. "Physics and Politics—An Old Analogy Revised," 22 *American Political Science Review*, 7. The ultimate deductions from his position would lead to conclusions suggested by this paper. But see also an article by the same author, "Is the Slacker Vote a Menace?" 17 *National Municipal Review*, 80-86.

of local government may be pointed out. This, however, is being changed rapidly, not by an increase in the number of votes cast, but by bettering the organization of government and making more secure the lines of legal and administrative responsibility. Direct responsibility to the people, as in the recall, has proved abortive, and even direct legislation has had little influence. Men have recognized from ancient times, as Beard has shown, that economic forces tend to hold the balance of power. Our current theory is that men who are economically successful display some ability and superior talent, though this may not be a thoroughly safe conclusion. But if we admit that economic interests tend to dominate politics, it is indicative that even if all persons voted, the real character of leadership would not be changed.¹¹

Wealth, moreover, is a leader in a long-run sense. The formation of attitudes is going on every day in our public schools, in the press, and by writers of large influence. But all of these agencies of importance are controlled by conservative influences. Leadership tends to become a recognition of the influence of those who have economic power in the present order of society. A large, active electorate would have little influence in changing this condition. As has been stressed, the right of protest embodied in a broad franchise will always permit a real opposition from the masses to be felt. The populist movement of the nineties was no doubt defeated by the natural leaders of society—if one may borrow an idea from Burke.

IV. DEMOCRATIC MECHANICS

It has been realized of late that the mechanical problems involved in securing a large vote are not simple. We have depended too long on the simple formula of stressing duty to government. It has never worked, and now we are in a fair way to realize that such a formula will never be successful. As Merriam and Gosnell have shown in *Non-Voting*, general

¹¹ Cf. C. E. Merriam, H. E. Barnes, and Others, *A History of Political Theories; Recent Times* (New York, 1924), p. 383.

indifference is not the only cause of the inactive electorate. Some of the causes are physical, e.g., sickness, invalidity, or distance from the polls;¹² others spring from the organization of industry under which men fear the loss of profits or wages; many of the causes come from defective organization of democracy, such as congested polling places, an unintelligibly long ballot, restrictive registration arrangements, or a discouraging frequency of elections, which obliges many intelligent citizens to face popular government with a deep sense of frustration. Still other causes are to be discovered in disbelief in the ability of the people to control, and in a conviction of the thorough and final corruption of politics. Where education along civic lines will help, the state should make it available to the voter, but where other causes are concerned a more perfect organization of democracy would aid. Men, however, often do not feel the need to vote. Government wends its way without serious mishap, and it is a real conviction, which mere talk will not down, that one vote does not make much difference. Abstractly, the single vote is important. But the average man, busy in a work-a-day world, views himself atomistically; he is the real unit that his consciousness knows, and his own interests loom largest in his thoughts. If men really wanted to vote, an imperfect organization of democracy would not greatly deter them. To organize democracy perfectly would still leave the enormous problem of the inactive electorate.

V. THE DECLINE OF THE BALLOT

Up to this point, the problem of the nature of democracy has been considered from the viewpoint of controlling funda-

¹² See *The Federalist* (Ford's edition), No. 61 (60), p. 405. The framers of the Constitution seemed to appreciate the inevitability of indifference in the electorate. See 69th Cong., 1st Sess., House Doc. 398, p. 192. Here Madison reports Mr. Jennifer as observing that "too great frequency of elections rendered the people indifferent to them." Madison also reports Mr. Gerry as saying (*ibid.*, p. 442): "The election of the Executive Magistrate will be considered as of vast importance and will excite great earnestness."

mentals in politics. Should all men vote on questions of policy? Or are there really important matters of policy to be considered in the ordinary election? One may easily minimize the importance of election issues. Enough of our theory of democracy has been suggested to show that often the fundamental principles behind an issue have already been settled by general currents of opinion embodied in constitutional provisions, or that the immediate solution is so technical that only thorough students can apply it. The paucity of real issues between the two major parties may be explained in part by this, though the need of having a unified national organization to control the electoral college might explain the two parties themselves. We have arrived at a fundamental question. If it could be shown that the vote is the best and most important way of ascertaining public opinion where it is not already known or determined, it might conceivably be argued that all qualified voters with an instructed opinion should cast a ballot. It must be admitted that there are not many issues upon which there is no readily applicable constitutional or traditional principle which leaders could apply to the satisfaction of all those really interested. The prohibition of child labor by congressional legislation was demanded on humanitarian grounds, but the principle behind its unconstitutionality was already in existence. When an amendment was submitted later, a more real issue was raised; but an acute observer might have ventured the opinion that most of the people had no very decided opinions, since individually they had no very decided interests involved of which they were conscious. The amendment was rejected, without formal submission to the people, on the basis of a long accepted principle, i.e., the prevention of federal encroachments on the states. The more fundamental opinion of the people was followed in the rejection of the amendment.

This leads to a further consideration. If the settled principles are not available as a guide, are there other means of determining opinion than a resort to the ballot box? A mem-

ber of the legislature knows, in general, what the leaders of his district think the people think. He has in this a fairly accurate guide. As Burke argued, the people must be thought of in connection with their natural leaders. It is no far cry to say that, if organized groups in the community want something and the leaders of one kind and another agree, there is as effective an expression of opinion as if a popular election were held forthwith to determine public sentiment. The influence of the press has already been noted, and this, along with the formation of attitudes by influential individuals and by belligerent groups, and even the disregard of laws, should be given equal shrift with the vote in the modern democratic process. It is an old and unworkable ideal of democracy which connects public opinion too intimately with the ballot box. The ballot box is becoming, in this age of innumerable social contacts and channels of expression, a less and less significant fact. The fundamental idea involved is that opinion on passing matters of policy and personality is *formed*, and the process of formation radiates from points of interest, whether ethical or material. In other words, it must be admitted that the opinion of those who have no specific interest in unforeseen issues is formed by those who have a case to present, and the opinions formed are usually conservatively in harmony with older opinions. To argue against this situation is merely to chide human nature, and such an argument has no place in the philosophy of democracy or in a scientific evaluation of its process.

In the federal form of government, as Bryce indicated, there is more chance for political experiment in the smaller units of government. Each experiment in a small unit is indicative of a drift in opinion. Members of a state legislature do not have to go back to the people to determine majority opinion on the liquor question when two-thirds of the counties in the state are dry by local option. Members of Congress do not have to await a national election to determine sentiment on prohibition when a large number of the states are dry. State legislatures in ratifying an amendment give an accurate indication

of opinion in much the same way that a national referendum might. The competition of policies, and even of personalities, as shown by the national convention system, is not always for the ballot box, and no injustice to what active party opinion exists is done thereby. The radio may come to be of importance in the formation of opinion on current issues of policy and personality, and to know radio policy (if any) will, within limits, constitute a knowledge of public opinion.¹³

What is the future of democracy if we admit that in its process the inactive electorate must be assumed as a permanent factor? A pragmatic interpretation and the scientific method must be used in investigating modern democracy. If there are assumptions which have never worked, and which have been given adequate trial, it is not undermining the ideals of democracy as a social purpose to change the standard of its process. Democracy is a more vital principle in government when it rests on the ultimate right of protest of all qualified voters, and not upon the continuous participation of each in the affairs of government. The inactive electorate is, nevertheless, the real electorate. Its opinions are crystallized in fundamental law and color the operation of the rule of law, which is the heart of constitutional government. Good citizenship should be tested by attitude and intention with regard to social order, and not by political participation. Moreover, it is a legitimate extension of the representative principle to say that the active electorate is, in a true sense, the representative of the inactive electorate. An additional step between the ruled and the rulers is recognized in this revision of the democratic process.

As the authors of *The Federalist* knew, the balancing of interests is one of the prime functions of government. Modern pluralism comes ultimately to a compromise theory of government. It is interests that count in the long run in politics, and it is interests that must seek a real expression, not opinions

¹³ See C. E. Merriam, *American Political Ideas, 1865-1917* (New York, 1920), pp. 305ff, for a discussion of the influence of non-official agencies in expressing public opinion on matters of policy.

or ideals abstracted from their setting among interests. A working theory of government must assume that men generally know their own interests. It is only when an interest as conceived by an individual is thwarted by the state that he feels the need of a right of protest, and it is here that the right to vote may become real. Nor can we assume without danger that the state should undertake the education of the individual along the lines of his real interests. The state must surely remember something of the code of individualism, no matter how far along the road of collectivism it may travel. Interests are real, not mere fictions. If they are vital in given instances, they will develop their leaders and means of expression. Interests should have free access to the ear of the state; their representatives should be recognized in order that they may write boldly across the page of the statute book. The competition and compromise of interests give a pragmatic test of public interest which the arm of supreme legal will may reach out to protect. And it must be recognized that those whose interests have been assaulted will use the ballot box, among other means, to voice their protest. To say that interests are partial and biased is to say no less of opinion.¹⁴

VI. BASES OF POLITICAL INTEREST

On psychological grounds it may be said that there must be excitement and conflict before there will be wide public inter-

¹⁴ See J. C. Calhoun, "A Disquisition on Government," *Works*, I, pp. 75-76. Calhoun associates the press with the right of suffrage. Both are organs of public opinion, but the press aids more in forming opinion, while the suffrage is a more authentic expression of it. But what is called public opinion, instead of being the united opinion of the whole community, is usually the opinion or voice of the strongest interest or combination of interests; and not infrequently, of a small, but energetic and active, portion of the whole. Cf. G. C. Havenner, "Voteless Washington Expresses Itself," 17 *National Municipal Review*, 326; E. P. Herring, *Group Representation Before Congress* (Baltimore, 1929), p. 2, *passim*; W. Y. Elliott, *The Pragmatic Revolt in Politics* (New York, 1928), p. 13. Elliott says: "The experience of men holds the great state to be alien to their daily control, remote, gigantic, capable of being moved only by the pressure of great interest groups, in which the individual is almost as much lost as he is in the state."

est. If elections offer no real conflict, great numbers of the electorate will not care to vote. One would think that the election of a president of the United States would always present such a conflict situation, but it is obvious, since ordinarily about one-half of the possible electorate votes in such elections, that, apart from the many and complicated physical and legal causes for non-voting, many persons think it does not matter greatly which party or person wins. Public issues, in the United States, tend to arouse less interest than in former times, or than in other countries where the parliamentary system without judicial control prevails. Psychological excitement produced by opposition and conflict between sets of interests is the final physical or emotional basis of public interest. When mental attitudes, or habitual pattern reactions, come in contact with vigorous opposition, it is certain that excitement or interest will be aroused, and within limits a wide vote obtained. The persistence, or even existence, of tradition shows the slow growth of such reaction types. A traditional point of view that has been maintained for a hundred years is not to be changed in a month. When such a reaction type as a tradition has been secured in the constitutional structure, there is less hope of opposition arousing a wide vote than would be the case if the maintenance of the tradition depended on each legislative body. Habit and tradition are fundamentals in opinion, and they are the secure basis of intense interest.

But the plain fact is that in American politics one is not at all certain that an attack on tradition will excite the electorate. Perhaps a wide uniformity in fundamentals in politics has much to do with the state of American opinion regarding the need to vote. Sectionalisms are tending to disappear. Many channels of communication are breaking down differences, and the man in San Francisco is little different politically from the man in New York. The general agreement of the American people that socialism is a menace to the country, or that bolshevism should not be tolerated, shows the conformity of all sections on certain political views of a fundamental character.

The more agreement there is on fundamentals, the less need there is to vote. Psychologically, we must feel that opposition to our habit reactions is real before we enter the arena to defend them. Indeed, if politics is largely non-rational, as Mr. Graham Wallas once led us to believe, it is a tribute to the rational character of the citizen that he is little interested in voting.¹⁵

Party spoils was one of the old incentives to interest in politics. While it is dangerous to idealize the past, one might say that if interest in elections is the fundamental desideratum, a return to the spoils system would bring out a larger vote. The winning of an election by a party would mean something tangible in the fruits which the spoils system might offer. But the merit system has robbed us of this incentive to bitter party controversy, and party controversy, to be real, must be bitter. Men must actually be angry at the opposition party in order to fight it. A keynote speech may be just a keynote speech today, a harking back to pleasant traditions and memories of the party, while in times past the spoils of party war no doubt gave it a ring of sincerity and importance which the average voter today no longer feels. But he would be a foolhardy citizen who would advocate the return of the spoils system in order to stimulate party spirit. With less of spoils, there is less of partisanship. Where there is partisanship, it will express itself in the vote. Officials chosen by merit are less apt to be corrupt, and corruption is often a good war-cry to arouse the electorate. Incidentally, the development of a permanent body of officials constitutes an interest group in the state which will, in some ways, make up for the lack of interest resulting from the abolition of the spoils system.¹⁶

VII. CONCLUSION

In conclusion, this investigation has suggested that the meaning of democracy depends on a theory of the functions

¹⁵ See Bryce, *op. cit.*, II, Ch. 58.

¹⁶ Cf. Léon Duguit, *Law in the Modern State*, tr. by H. and F. Laski (New

of citizenship; and that experience has suggested a revival of the early modern distinction between citizenship and participation in government because of the complexity of modern society, the permanent nature of public opinion, the security of opinion in constitutional government with judicial review and a limited majority, the uncertain results of increased voting either in improving the character of public officials or in influencing the power of party organization, the non-mechanical nature of the problem of non-voting, the decline of the ballot as a means of expressing public opinion, particularly where interests are concerned, and the unimaginative and unstimulating character of political contests.

Democracy is not radical. Whether because opinion is formed essentially by leadership or because human beings prefer conservative government, it is true, as the late Professor Dicey pointed out, that democratic history disproves the notion that democratic governments are radical, or even progressive. The masses upon whom modern democracy rests have been in turn the supporters of theocracy, absolutism, feudalism, monarchy by divine right, democratic monarchy, and democratic republicanism. It is asking too much of the peaceful citizen, interested chiefly in an already assured public order and security, to be continually disturbed about the competition of shading policies and law-bound public personalities. Occasions do, however, normally arise in the life of the individual when he feels an interest in directing policy and choosing public officers.¹⁷ He may cherish his prejudices; but that is no sin.

York, 1919), p. xii; also C. E. Merriam, *American Political Ideas, 1865-1917*, p. 277, for a similar position taken by Wendell Phillips.

¹⁷ As indicated by the increased vote, the presidential election of 1928 was undoubtedly such a juncture in the lives of a large number of American electors. Cf. P. L. Ford, *Pamphlets on the Constitution of the United States* (Brooklyn, 1888), "Address by Melanethon Smith," p. 99: "But when a government is adopted that promises to effect this [union], we are to expect the ardour of many, yea, of most people, will be abated. . . . Besides, the human mind cannot continue intensely engaged for any great length of time upon one object. As after a storm, a calm generally succeeds, so after the minds of a people have been ardently employed upon a subject, especially upon that of government, we com-

Democracy is conservative, and it moves in the accepted channels prescribed by the prejudices of the citizen body. We have absorbed democracy as a philosophy of political authority, but historically the safeguard of democracy as a process of government has been in the rule of law rather than in the extensiveness of popular participation in government.

monly find that they become cool and inattentive. . . .” See *ibid.*, “Remarks by Alexander Contee Hanson,” p. 249: “To acquit themselves, like men, when visible danger assails; and, when it is repelled, to sink like savages into indolence, is said to be characteristic of Americans.”

AMERICAN GOVERNMENT AND POLITICS

First Session of the Seventy-first Congress¹ (April 15, 1929, to November 22, 1929²). Almost the last word said in the Senate before the adjournment of the special session was a remonstrance from the chair. "No one in the gallery has a right to laugh," said the Vice-President, "and the occupants of the galleries will be in order. That includes the press gallery." It has been easy to laugh. Seldom, however, has a single session of Congress held greater interest for the observer of social forces. Seldom has the salutary rôle of the Senate in our present political complex been more convincingly demonstrated.

Membership. The general election of 1928 seated 268 Republicans, 166 Democrats, and one Farmer Labor member. Three of the four vacancies that developed before the new Congress convened were on the Democratic side.³ At the opening of the special session, the Republican majority was 103, compared with majorities of 39, 60, 15, 167, and 39 in the Congresses elected in 1926, 1924, 1922, 1920, and 1918, respectively. Even in the more nearly poised, less regimented Senate, the weight of the majority seemed to afford a considerable margin of safety, with 55 Republicans (not including a junior senator from Pennsylvania⁴) listed in opposition to 39 Democrats and one Farmer Labor member.⁵

¹ For notes on the 70th Congress, see this *Review*, vol. 22, p. 650, and vol. 23, p. 364. For notes on the 69th Congress, see vol. 20, p. 604, and vol. 21, p. 297. For earlier notes, prepared by Lindsay Rogers, see vol. 13, p. 257; 14, pp. 74, 659; 15, p. 366; 16, p. 41; 18, p. 79; 19, p. 761.

² Regarding the special session of the Senate on March 4 and 5, 1929, see p. 57 below.

³ Of the seven women in the 71st Congress, four (Rogers, Mass., Kahn, Calif., Langley, Ky., Republicans, and Oldfield, Ark., Democrat) were originally elected to take their husband's places. This theory of office is not narrowly connubial. During the special session, for example, on the death of the Rev. O. J. Kvale of Minnesota, the sole Farmer Labor member, his son, Paul J. Kvale, was chosen in a special election to carry forward his father's purposes. Elements of relationship were interestingly present, though not crucial, in the election of Ruth Hanna McCormick as one of Illinois' representatives at large and of Ruth Bryan Owen as a member of Congress from Florida. Altogether, seven of the members of the House elected in 1928 died before the end of the special session.

⁴ The case of William S. Vare was not disposed of in the special session. On September 9, 1929, Senator Norris submitted a resolution (S. Res. 111) denying

Organization. No innovations in procedure or outcome marked the institution of the party instrumentalities summarized in an attached table.⁶ The four preparatory caucuses were held between the first and the fifth of March. The House Republicans continued their organization without material change. Two vacancies in the steering committee had been opened by the retirement of N. J. Sinnott of Oregon, and of W. H. Newton of Minnesota, who resigned to act as one of the President's secretaries. On recommendation of the committee on committees, their places were filled, respectively, by L. H. Hadley of Washington and L. C. Crampton of Michigan. On the Democratic side, the absence of F. J. Garrett, who had withdrawn to run unsuccessfully for the Senate, required the selection of a new floor leader. J. N. Garner of Texas was an obvious choice; he was outranked in length of service among his Democratic associates only by Pou of North Carolina, and he was ranking minority member on the ways and means committee. The former whip, W. A. Oldfield of Arkansas, died shortly after the election, and the position was given to J. McDuffie of Alabama. On April 15, Mr. Longworth was elected speaker by a vote

him a seat in the Senate. This went over by agreement to the regular session, for consideration on December 3. On December 5, Senator Shortridge filed a report (S. Rept. No. 47) from the committee on privileges and elections regarding the contest brought against Vare by William B. Wilson (the Democratic candidate in 1926) in which, by a committee vote of seven to four, it was held that Vare had been legally elected. On December 6, the Norris resolution was adopted by a vote of 58 (25 Republicans, 32 Democrats, 1 Farmer Labor) to 22 (all Republicans, although three Democrats were announced to be paired against it). The Senate then adopted a resolution (S. Res. 177), offered by Senator Reed of Pennsylvania, declaring that William B. Wilson had not been elected; the division on the latter was 66 to 15 (5 Republicans, 10 Democrats). On December 11, the governor of Pennsylvania appointed Joseph R. Grundy, president of the Pennsylvania Manufacturers' Association, to fill the vacancy. On the following day, a resolution (S. Res. 185) pressed by Senator Nye was referred to the committee on privileges and elections, with the direction that it submit a "report covering the right of Mr. Grundy to his seat in the Senate." Mr. Grundy was then sworn. It was announced that the committee would take up the matter on January 6, 1930.

⁶ During the course of the special session, three senators died: T. E. Burton of Ohio, Republican, replaced by the appointment of R. C. McCulloch, Republican; F. E. Warren of Wyoming, Republican, whose seat was to be filled by a special election in January; and L. D. Tyson of Tennessee, Democrat, replaced by W. E. Brock, Democrat.

⁶ See p. 40.

PARTY ORGANIZATION IN THE SEVENTY-FIRST CONGRESS, FIRST SESSION

(Individuals indicated with asterisk held similar positions in 70th Congress)

SENATE

Republican

(Preliminary caucus March 5, 1929)

- *Moses, G. H. (N.H.) Pres. Pro tem.; Chairman of Rules Committee; Chairman, Senatorial Campaign Committee.
 Watson, J. E. (Ind.) Floor Leader
 Jones, W. L. (Wash.) Assistant Leader
 Fess, S. D. (Ohio) Whip

Steering Committee

(Committee on Order of Business of
 Republican Conference)
 (Not appointed during special session)

Committee on Committees

- *McNary, O. L. (Ore.) Chairman; also virtually an assistant floor leader.
 *Smoot, R. (Utah)
 *Moses, G. H. (N.H.)
 *Reed, D. A. (Pa.)
 *Bingham, H. (Conn.)
 *Oddie, T. L. (Nev.)
 *Nye, G. P. (N.D.)
 Capper, A. (Kan.)
 Deneen, C. S. (Ill.)

Democratic

(Preliminary caucus March 5, 1929)

- *Robinson, J. T. (Ark.) Floor Leader
 *Walsh, T. J. (Mont.) Vice Chairman of
 Conference of Minority and Assistant
 Leader
 Pittman, K. (Nev.) Whip

Steering Committee

- *Robinson, J. T. (Ark.)
 *Walsh, T. J. (Mont.)
 *Pittman, K. (Nev.)
 *Swanson, O. A. (Va.)
 *Harrison, P. (Miss.)
 *Kendrick, J. B. (Wyo.)
 *Caraway, T. H. (Ark.)
 *Fletcher, D. U. (Fla.)
 Walsh, D. I. (Mass.)
 Harris, W. J. (Ga.)
 King, W. H. (Utah)

HOUSE

(Preliminary caucus March 2, 1929)

- *Longworth, N. (Ohio) Speaker
 *Tilson, J. Q. (Conn.) Floor Leader
 *Vestal, A. H. (Ind.) Whip
 *Snell, B. (N.Y.) Chairman of Rules

Steering Committee

(Chosen by Committee on Committees)

- *Tilson, J. Q. (Conn.)
 *Treadway, A. T. (Mass.)
 *Dempsey, S. W. (N.Y.)
 *Lehlbach, F. R. (N.J.)
 *Darrow, G. P. (Pa.)
 *Denison, E. E. (Ill.)
 *Hoch, H. (Kan.)
 *Johnson, R. C. (S.D.)
 Cramton, L. C. (Mich.)
 Hadley, L. H. (Wash.)

Committee on Committees

(consisting of one member from each
 state having Republican representatives,
 chosen by these, and having voting power
 proportionate to their number)

(Preliminary caucus March 1, 1929)

- Gárner, J. N. (Tex.) Floor Leader (also
 ranking member of the Democratic con-
 tingent on the Ways and Means Commit-
 tee, who, chosen by the caucus, act as a
 minority committee on committees, sub-
 ject to caucus ratification)
 McDuffie, J. (Ala.) Whip
 O'Connell, D. J. (N.Y.) Assistant Whip
 Milligan, J. L. (Mo.) Assistant Whip

(No party instrumentality corresponding to
 the steering committee exists)

of 254 to 143 cast for Mr. Garner, with the lone Farmer Labor member recording himself "present."

In the Senate, the elevation of Mr. Curtis from the floor to the platform created the possibility of a lively contest for the leadership. James E. Watson of Indiana had been assistant leader. Wesley L. Jones of Washington had been whip. Mr. Jones had been in the Senate seven years longer than Mr. Watson; indeed he was exceeded in point of service only by Senators Warren, Smoot, and Borah, none of whom wished to be leader. Mr. Jones was receptive. But he had not been well. At the conference on March 5, Mr. Watson was given the title of leader. Mr. Jones was styled assistant leader, and Mr. Fess of Ohio was chosen whip.

The cautious observer will wish to delve further in the past before he pronounces Mr. Watson's selection the nadir of leadership. He need have no hesitation, however, in yielding to his vicarious shame for a system that brings an historic and still powerful party to such a choice. Not that it was novel; it merely projected tendencies recently illustrated in the less emulsive Curtis. The especial talent that the new leader consciously cultivates was stated neatly in a so-called newspaper given out by Mr. Watson's headquarters at the Republican National Convention in 1928:⁷ "Senator Watson is an amiable, kindly personality who does not stir up animosities but placates them, smoothes them down. Senator Watson well understands that axiom of politics which holds that all political progress is based on compromise. Therefore, the other man's view may possess merit as well as his own, and this the Senator recognizes. Should he be nominated and elected, he will prove an agreeable and popular occupant of the White House, never giving deliberate offense, careful and considerate of the rights and feelings of others. . . ." Before the session was over it was evident that the exponent of compromise was not well.⁸ There was irrespon-

⁷ The quotation is from a publication styled "The Labor Digest—a national newspaper published in behalf of labor—vol. 1, no. 1" (*sic*). A good example of Watson's emollient applications was his speech in the Senate on October 31, 1929. The writer is aware that a case can be made for Mr. Watson's selection as leader on the ground that, geographically, he is near the pivot in the balance of the agricultural and industrial elements in his party. His formula for their reconciliation is easy: whatever goes up must come down.

⁸ Senator Watson left for Florida at the end of October "to rebuild his shattered health." The floor leadership, so far as there was any, devolved on Senator Jones, with Senator McNary as *de facto* aide. In December, Senator Watson was

sible talk of a new leader. It would be unfair to Mr. Watson, however, to blame him for the deep disharmony in what passes as the Republican party, or, for that matter, to mistake effects for causes when nature has its way in those loose leagues to capture the presidency which are called national parties in the United States.

In view of the limited purposes of the special session, the election of the full set of standing committees in the House was postponed until December.⁹ Only the committees on agriculture and ways and means and three operating committees—rules, enrolled bills, and printing—were formally constituted at the beginning of the session. In the Senate, however, assignments were immediately made to all of the regular committees, and they were elected on April 23.¹⁰ The opening of the regular session, attended by some important vacancies, was made the occasion of a general revision of committee assignments on the Republican side. On November 23, Senator McNary, chairman of the majority committee on committees, was quoted as saying: "I will send a letter to every majority senator early next week, asking each to state how he is satisfied with his present committee assignments and what committees he desires appointment to. These replies will be catalogued and assignments made on the basis of seniority." It was not

quoted as saying that he would not seek to return to the Senate in 1932; it was time, after thirty-six years in public service, to build his "personal fortune."

⁹ The committee on appropriations was elected on November 11, consisting, temporarily, only of those of its members in the 70th Congress who were in the new House. On December 3, 1929, the Republican committee on committees (working, in turn, through a sub-committee) began the review of requests and the making of majority assignments. The minority assignments, recommended by the Democratic members of the ways and means committee in their capacity as a party committee on committees, were approved at a minority conference on December 5. In view of the fact that immediate action on emergency radio legislation was desired, assignments to the committee on merchant marine and fisheries were hurried in order that this committee might be elected at once. It was not until December 12 that the others were formally chosen in the House by the adoption of resolutions offered by the majority and minority leaders. As a partial concession to the request of Mr. Garner, voiced in the House on December 2, the membership of the judiciary committee was increased to 23. The ratio of majority and minority members on the important committees was made 14 to 7, instead of 13 to 8, subject to the humane principle (announced by the majority leader on December 2) "that where the Democrats have lost no one from a committee they will retain the same number they now have."

¹⁰ On May 9, the name of the "committee on territories and insular possessions" was changed by resolution to read "committee on territorial and insular affairs."

until the third week of the regular session that the committee sat down to its task, and the year had ended before it had filled the two troublesome holes in the finance committee caused by the departure of Edge to Paris and Sackett to Berlin.¹¹

Procedure. It has been observed that the House leaders restrained the legislative flow¹² by erecting only the committees concerned with farm relief and the tariff. This method was supplemented by the device of recessing. Under a concurrent resolution (S. Conc. Res. 16) agreed to on June 18, Congress broke up on the following day, subject to the provision that the Senate should reconvene on August 19 and the House on September 23. The latter, moreover, was to confine itself to perfunctory meetings on Mondays and Thursdays until October 14. Due to the hard sledding met by the tariff in the Senate, the House never really met again. On October 14, it renewed the terms of the original resolution, providing for momentary bi-weekly meetings until November 11 unless in the discretion of the speaker legislative expediency "should warrant him in designating an earlier date on which the business of the House should be resumed." On November 11, in

¹¹ In early January the positions were given to Senator LaFollette of Wisconsin and Senator Thomas of Idaho.

¹² In the course of the special session, upwards of 5,000 bills (including pension bills) were introduced in the House, and over 2,000 in the Senate. In the House they were "informally referred" (in the words of the speaker), in the sense that they were tagged by the legislative clerk. The outstanding enactments were Public No. 10, H. R. 1, approved June 15, being the Agricultural Marketing Act, supplemented by Public No. 15, approved June 18, appropriating \$150,000,000 of the authorized \$500,000,000 revolving fund and \$1,150,000 for expenses; and Public No. 13, S. 312, approved June 18, for future decennial censuses and reapportionments. Among a number of minor enactments were: Public Res. No. 1, H. J. Res. 56, approved May 2, reappropriating funds to fight the Mediterranean fruit fly; Public No. 8, H. R. 3548, approved June 13, reappropriating money to aid in rehabilitating flooded farm lands; Public Res. No. 2, H. J. Res. 59, approved May 17, reappropriating funds in aid of storm-stricken vegetable and fruit growers in the Southeast; Public Res. No. 7, H. J. Res. 82, approved June 6, appropriating \$39,000,000 to pay amounts due railroads for transporting mails under a Commission order; Public No. 22, S. 669, approved June 25, regarding the suit in connection with the withdrawn Northern Pacific land grants; Public Res. No. 15, H. J. Res. 97, approved June 15, appropriating \$3,000,000 for a site for a municipal center in the District; Public No. 11, H. R. 1648, approved June 17, amending sec. 5 of the Second Liberty Loan Act; Public Res. No. 20, H. J. Res. 80, approved Oct. 17, authorizing a postponement in connection with the French debt, later covered by the general settlement act passed in the second session and approved December 18.

turn, an agreement was made by which the House was held in suspended animation until the end.

Notwithstanding the fact that the tracks were kept clear, the House handled the three major items of the session under special rules. This may have been due to mere habituation, but one suspects more. The farm relief bill (H. R. 1) was reported on April 17. On the following day, a special rule was snapped to the House, a few minutes after its approval by the committee on rules. It provided that general debate should be confined to the bill and should terminate on April 20. It stated further that, after the bill had been read for amendment in committee of the whole under the five-minute rule, the previous question should be considered as ordered on the amended bill, which should advance "to final passage without intervening motion except one motion to recommit." There was some grumbling. A Democratic member who was formerly parliamentarian of the House (Clarence Cannon of Missouri) complained that an important custom was being broken for the first time in years by the provision vesting control of time in general debate in the chairman and ranking minority member of the agricultural committee, since both supported the bill. Other members charged that the rule was intended to make it easier to ward off a vote on the export debentures plan. This may not have been a motive, but the observer is led to assume that the leaders were chary, if not apprehensive, and were not likely to neglect precautionary measures.¹³

The later stages of the farm relief bill occasioned another special rule. Here, again, the purpose seemed to be largely to escape a roll call on the plan of export debentures, which the Senate had meanwhile inserted. It was suggested that the House gesture should be the return of the bill with a tart reminder that the debentures scheme, being a revenue measure, could not originate in the Senate. The Republican steering committee, in consultation with the prospective House conferees, rejected this plan, saying (in the words of Mr. Snell) that if "the House stood on its dignity and insisted on asserting its constitutional rights it would probably provoke a constitutional argument at both ends of the Capitol that would not only last for a few days but might extend into weeks and months." The strategy decided upon was the adoption of a special rule by which disagreement could be in-

¹³ The final vote on the passage of the farm relief bill (H. R. 1) in the House on April 25 was 366 to 35 (2 Republicans, 33 Democrats).

dicated and the bill bundled off to conference without a record vote on debentures. The unique feature of the rule was a preamble which noted that "in the opinion of the House, there is a question as to whether or not section 10 of the amendment of the Senate to R. R. 1 . . . is an infringement on the rights and privileges of this House;" and which stated that the House was agreeing to a conference "in view of the present legislative situation and the desire of this House to speedily pass legislation affording relief to agriculture, and with the distinct understanding that the action of the House in this instance shall not be deemed to be a precedent so far as the constitutional prerogatives of the House are concerned." The rule (H. Res. 45) was adopted on May 17 by a vote of 249 (235 Republicans, 14 Democrats) to 119 (4 Republicans, 115 Democrats). This careful evasion resulted only in loss of time.

In the end, the House was forced to vote directly on the debentures amendment. The representatives of the Senate, willing enough personally to abandon it, were constrained by the parliamentary situation. Vainly they pleaded that a vote on debentures in the House would immediately clear the air. After days of deadlock, they agreed to a conference report eliminating the debentures plan. The House accepted it on June 7 without the formality of a record vote. The Senate, however, rejected the report on June 11 by a vote of 43 (39 Republicans, 4 Democrats) to 46 (13 Republicans, 32 Democrats, 1 Farmer Labor). The House leaders were thus compelled to move that its conferees "be instructed in conference to insist on striking out of the Senate amendment section 10, the so-called debenture plan." Mr. Tilson said, "I believe that this is the most direct way and perhaps the only way that we can get this bill passed." The motion was supported by 250 members (217 Republicans, 33 Democrats), and opposed by 113 (13 Republicans, 100 Democrats).¹⁴ On June 14, a conference report (identical with that rejected by the Senate three days before) was agreed to by a vote of 74 (47 Republicans, 27 Democrats) to 8 (3 Republicans, 5 Democrats).¹⁵

¹⁴ The Republicans in opposition were distributed as follows: Wis., 5; Minn., 2; S.D., 2; N.D., 1; Mich., 1; Iowa, 1; Kansas, 1. The Democrats who, in supporting the motion, voted against the debentures plan, were distributed thus: N.Y., 13; Fla., 3; Va., 3; Ohio, 2; Mass., 2; R.I., 1; N.J., 1; W.Va., 1; Ind., 1; Ky., 1; Mo., 1; La., 1; Miss., 1; Ariz., 1; Calif., 1.

¹⁵ The writer will not attempt here to examine the extent to which McNary-Haugenism really triumphed despite the rejection of the equalization fee and

A special rule was adopted also for the consideration of the dual measure (S. 312, passed by the Senate on May 29) providing for reapportionment and for the census. The rule stated "that general debate shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the gentleman from Connecticut, Mr. Fenn, and the gentleman from Mississippi, Mr. Rankin." This stipulation was unusual only in the sense that the chairman of the committee on the census and its ranking minority member were mentioned by name, inasmuch as the committee had not been formally chosen. The measure in question was destined to provoke something like turbulence. The special order, however, was approved on June 3 almost without debate.

Much more restrictive was the rule adopted for the consideration of the tariff. It was accepted on May 24, the day after the Republican conference approved the use of a special order giving preference to amendments proposed by the committee on ways and means. The tariff bill (H. R. 2667) had been undergoing general debate since May 7, but the crucial stages had just been reached. The rule was sufficiently revealing of the methods of the House organization to warrant an extended quotation. It provided "that general debate on the bill be now closed; that the bill shall be considered for amendment under the 5-minute rule, but committee amendments to any part of the bill shall be in order at any time; that consideration of the bill for amendment shall continue until Tuesday, May 28, 1929, at 3 o'clock p. m., at which time the bill with all amendments that shall have been adopted by the committee of the whole shall be reported to the House, whereupon the previous question shall be considered as ordered on the bill and all amendments to final passage without intervening motion except one motion to recommit. The vote on all amendments shall be taken en gross except when a separate vote is demanded by the committee on ways and means on an amendment offered by said committee." An hour and a half were allowed for debate on the rule itself. Mr. Snell, chairman of the rules committee, invoked the support of past practice. "There is nothing new or novel in the rule," he said.

the debentures plan. George Peek does not seem to have been in Washington, but the act would have been impossible without the years of political pressure, of group consultation, and of technical consideration that lay behind it. The final answer rests, of course, in the use of the vast discretion of the Federal Farm Board.

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"We are providing the normal way of passing a tariff bill. In my judgment, what the country wants now is less talk and more action by Congress."

In the sharp exchange of words that followed, much was made of the fact that in passing the Underwood tariff bill in 1913 the Democrats were bound by the two-thirds vote of their caucus to reject all amendments not offered by the committee on ways and means. Vainly did Pou, ranking Democrat on the rules committee, say, "The purpose of the special rule we are now considering is to prevent record votes;" and his colleague, Bankhead, exclaim, "This is the most ironclad and restrictive rule ever reported to the House of Representatives;" and Cannon, Democrat, cry, "Defeat this rule and give us a chance to vote on the debenture plan." The majority leader calmly said: "What the people of the country want in connection with this tariff bill is results, and they are not going to be too critical as to what parliamentary methods are used by the responsible party for arriving at the results. . . . The items in this bill are related and interrelated to each other, so that, if we should consider, without restriction, amendment after amendment, passing one and failing to pass another, a crazy quilt would be orderly compared with what the bill would be by the time it was finished. For that reason the party responsible for this legislation has chosen the plan of committing to 15 men who have made a study of this bill the preference of bringing in the amendments that should be first considered." The previous question on the adoption of the rule was ordered by a vote of 247 to 139, and immediately the rule itself (H. Res. 46) was agreed to by a vote of 234 (229 Republicans, 5 Democrats) to 138 (12 Republicans, 125 Democrats, 1 Farmer Labor).¹⁶

Caucuses. The caucus has been used so little of late years as a legislative device that a word should be added to the incidental reference already made to the matter. A conference of the House majority on the tariff bill was announced for May 10. It was evidently the original intention of the leaders to secure approval of a rule under

¹⁶ Of the twelve Republicans, seven were from Wisconsin, two from Kansas, and one each from South Dakota, Iowa, and New York. All of the five Democrats who voted for the rule were from Louisiana. The tariff bill itself passed the House on May 28 by a vote of 264 (244 Republicans, 20 Democrats) to 147 (12 Republicans, 134 Democrats, 1 Farmer Labor). At this time the source of the 20 affirmative Democratic votes was: La., 6; Fla., 4; Tex., 2; with one each from Calif., Col., Ind., Mass., N.Y., Ohio, R.I., and Wash.

which general debate could be closed about May 16, the amending process guarded, and the bill passed by May 23. This plan had to be modified. Mr. Crisp, a Democrat long in service, may have exaggerated in saying, "I have never known a bill reported to the House that had as much opposition from its own side as this one." Protests certainly were numerous. A so-called "corn belt committee," speaking for a group of representatives of Minnesota, North and South Dakota, Wisconsin, Iowa, Nebraska, Kansas, Missouri, and Oklahoma (with promise of support also from Illinois, Michigan, and California), asked the House leaders to postpone the party conference. Mr. Tilson said that it would be held as scheduled, but he indicated that no strong attempt would be made at the time to force the endorsement of a rule. Meeting in the House chamber on May 10, the conference was in session for several hours. It was reported that a roar of nays greeted a suggestion that the bill should be passed in the form in which it had been reported. The Republican helmsmen used the meeting as a method of taking soundings. A discreet policy of ostensible consultation and concession was inaugurated. On May 14 the majority members of the committee on ways and means began to hear disgruntled Republicans, starting with the spokesmen of the corn belt. A series of proposed committee amendments were formulated. A second conference was held on May 23; its two sessions lasted most of the day. As each member entered it, he was given a list of some 91 changes which, it was promised, would be moved by the committee on ways and means. The strategic retreat accomplished its purpose. The conference turned down dissident motions that separate votes should be allowed in the House on various controversial items. By a vote said to have been 206 to 24, the conference approved the use of the rigorous special rule discussed in a previous paragraph.

In the Senate, the insertion in the farm relief bill of an optional provision for export debentures was the occasion, in part, of two Democratic conferences. Consideration of the amendment on the floor was destined to reveal the lines of what came to be called the coalition and to demonstrate its ability to control the Senate. Whereas in the House a bill satisfactory to the administration was reported by a nearly unanimous vote (19 to 2), the Senate committee on agriculture (in the face of the President's emphatic letter of disapproval¹⁷ to Chairman Mc-

¹⁷ The President's letter appears as Appendix A in S. Rept. No. 3, on the "agricultural surplus control act," April 23, 1929. The majority report said:

Nary on April 20) insisted upon retaining the debentures provision by 8 (3 Republicans, 4 Democrats, 1 Farmer Labor) to 6 (4 Republicans, 2 Democrats). On April 25 a Democratic conference was attended by 31 senators. At its close the minority leader announced: "The conference was called primarily to discuss the bill now before the Senate relating to farm relief. It is not contemplated that any attempt shall be made to bind the members of the conference to a vote for or against particular provisions. The discussion in the conference disclosed that many senators believe that the incorporation of the debenture plan will prove immediately helpful." Substantial unanimity in favor of debentures was in fact manifested in the voting that followed.¹⁸

Another Democratic conference was held on June 10. A vote upon acceptance of the conference report on farm relief was imminent; in the background hung the question of the whole Senate program regarding the tariff. The House leaders were seeking to induce the Senate to indicate by an agreement a relatively early date in the fall when it would finish with the tariff, holding out the threat that they

"Section 10 provides a mechanism of export debentures which the board may use at its discretion in meeting special situations which the board may find it impossible to meet adequately under the loan, stabilization corporation, and other provisions of the act. . . . Under the export debenture plan a bounty may be granted upon exports of raw agricultural commodities or their food products. The bounty is payable in a form of currency denominated export debentures. The amount of the bounty so payable upon the export of an agricultural commodity is one-half the amount of the import duty on such a commodity. In the case of exports of food products, the bounty payable is proportionate to the amount of raw commodity consumed in the manufacture of the product. Debentures are legally tenderable at their face amount in payment of import duties."

¹⁸ On May 8, on the crucial motion of Senator Watson to strike out the debentures section, the vote was 44 (42 Republicans, 2 Democrats—Ransdell, La., and Wagner, N.Y.) to 47 (13 Republicans, 34 Democrats). The bill passed the Senate on May 14 by an affirmative vote of 54 (21 Republicans, 33 Democrats), with only two Democrats—Wagner, N.Y., and Walsh, Mass.—among the 33 in opposition. On June 11, when the Senate refused to agree to the conference report eliminating debentures, only 4 Democrats—Wagner, N.Y., Ransdell, La., and Fletcher and Trammell, Florida—were among the 43 willing to accept the report, against 46 (13 Republicans, 32 Democrats, 1 Farmer Labor) in the negative. On Oct. 19, when practically the same debentures provision (having been finally dropped from the farm bill) was added to the tariff bill, the vote was 42 (14 Republicans, 28 Democrats) to 34 (31 Republicans, 3 Democrats—Wagner, N.Y., Walsh, Mass., Kendrick, Wyo.)

might otherwise refuse to assent to a concurrent resolution providing for a reasonably lengthy summer recess. One reason why this came to naught was because the Democratic conference, to the surprise of many, announced (in the words of Senator Robinson) that "no agreement will be entered into now to fix a date for a final vote on the tariff."¹⁹

On the Republican side of the Senate caucuses are futile. Those who most deplore this fact sometimes find a virtue in necessity. Two modest meetings which were ostensibly party conferences were held in connection with the tariff. That on September 19 was attended by 37 of the 55 Republican senators. Nye was there, with Howell and McMaster; but Borah, Norris, LaFollette, Blaine, and Frazier were not present. The colloquy favored advancing the daily opening from noon to 11 o'clock and (as Leader Watson reported it in the Senate next day) devoutly hoped that its members would be strong enough to resist the temptation to engage in general debate on the tariff. At a conference on October 18, even fewer were on hand—"approximately 25," according to one press story; "between 15 and 20 prominent conservatives," according to another. It was suggested that the finance committee majority should meet daily in order to lessen debate by indicating in advance amendments they would accept and that night sessions should be held, or (if these were refused) that the morning meetings should begin at 10 o'clock.

Farm and Factory. Of the voting combination that controlled the Senate, Simmons, ranking Democratic member of the finance committee, remarked on November 8: "... nobody wants to conceal the

¹⁹ Unanimous consent agreements in the Senate are bent to purposes that distantly resemble the operation of special rules in the House. Such was the agreement of May 10 "that on and after the hour of 3 o'clock P.M. on the calendar day of Monday, May 13, 1929, no Senator may speak more than once or longer than 10 minutes upon the pending farm relief bill. . . ." Such was the understanding agreed to on May 24 by which the time each member could henceforth speak on the census and reapportionment bill was limited to 30 minutes, although here also with no attempt to fix the date of final passage. Another outstanding example was the agreement of October 18 limiting each senator to 20 minutes on the debentures amendment to the tariff bill and requiring a vote at one o'clock on the following day. In this instance, it should be noted, the proposal was practically identical with an amendment previously debated in connection with the farm relief bill; moreover, it was clear that it was bound to pass. In connection with the tariff bill as a whole, unanimous consent agreements were used to arrange an earlier meeting time and evening sessions. Beyond that, they failed.

fact that there is harmony of thought and opinion with reference to many of the rates between this side of the chamber and a very influential element on the other side of the chamber. That is the essence of the so-called coalition. . . . It is a coalition that was not brought about by caucusing, but is a coalition that resulted from a union of minds." It was true, he added, that he had "consulted freely with the senators on the other side who are coöperating with us." Meanwhile the gentlemen referred to had been meeting almost daily from the time of their conference on September 3 in the rooms of the great committee of which Senator Borah is chairman, participated in by Mr. Borah himself and Senators Norris and Howell of Nebraska, LaFollette and Blaine of Wisconsin, Frazier and Nye of North Dakota, Brookhart of Iowa, and McMaster of South Dakota, with direct promises of support from Norbeck of South Dakota and Schall of Minnesota. As early as September 5, Senator Borah was able to say to the press, after a talk with the Democratic leader: "We are agreed upon procedure. . . . We have a complete understanding as we go along." This statement need not be taken as disproof of the literal truth of Senator Harrison's assertion at the end of October: "There has never been any understanding between senators on the other side of the aisle and those of us on this side with reference to any particular rate."

Due warning of the strength of the coalition had been written on the wall in June, if, indeed, further warning was needed after the early roll calls on the debentures plan. On June 17, Borah's resolution (S. Res. 91) that the committee on finance be instructed to confine the revision to the agricultural schedule failed by the narrow vote of 38 (13 Republicans, 25 Democrats) to 39 (32 Republicans, 7 Democrats).²⁰ Further danger signs appeared while the majority of the committee on finance had the bill in hand. A new set of public hearings had been held between June 12 and July 10 before four bi-partisan subcommittees. When the redrafting of the bill began, however, the

²⁰ The 7 Democrats in the negative were: Walsh, Mass.; Trammell, Fla.; Broussard and Ransdell, La.; Heflin, Ala.; Steck, Iowa; and Dill, Wash. Later, with the ball in their possession, the coalition turned down the idea of restricting revision to the agricultural rates. On October 21, when, after six weeks on the special and administrative features, the Senate was about to take up the rate schedules, Thomas of Okla., Democrat, moved that the bill be recommitted with instructions to strike out all but the special and administrative provisions and the sugar, tobacco, and general agricultural schedules. This was defeated by 64 to 10 (7 Republicans, 3 Democrats).

minority were excluded.²¹ The vote among the Republicans on the committee, Senator Watson said later, "was six to five on practically every proposition as to which there was a controversy." The upshot of the attempt to exercise partisan control in the committee was merely to carry endless controversy to the floor, there to result usually in inevitable coalition victories.²²

The extent of the committee's defeat was confessed in Senator Smoot's extraordinary challenge, wearily thrown to the coalition on November 9: "I would like to see some action taken, and, as one, I am perfectly willing that the Senate shall take a recess today until the 20th of the month, and in the meantime let the coalition examine the amendments proposed and report to the Senate whatever amendments they agree upon, and after the bill is taken up, let a vote be taken on the amendments without a word of discussion, and let us pass the bill." Both Simmons and Borah hastened to pronounce the proposition impracticable. "These discussions," said Simmons, "are serving a splendid purpose." Borah added: "I do want to say, as I intimated a few days ago, that those whom some are disposed to term the 'coalition' are really now in charge of the making of the bill. The responsibility is upon us. What the country wants, in my judgment, is speed."

The admission of the desirability of speed was qualified, from the standpoint of the coalitionists generally, by the implications in Senator LaFollette's declaration a little earlier: ". . . there never has been a major piece of legislation before the Senate on which the discussion has been more germane to that measure than has been the case with the pending tariff bill." The shortest time ever given to a tariff bill in the Senate, he estimated, had been four and a half months. The

²¹ It will be interesting to note, if a future tariff revision occurs when the Democrats are in formal control of the Senate, whether they will respect the solemn repentance of the elderly Simmons on October 21, deploring the traditional partisan methods in tariff-making in committee, which, he admitted, had been employed in 1913.

²² The Senate committee on finance made 431 changes in the rate schedules and the free list: 177 were increases; 254 were decreases. The Senate dealt with 11 of 15 rate schedules before adjournment, and (according to the *Tariff Review* for Dec. 1929) considered 288 amendments. "In 163 instances proposed increases were eliminated and the present duties restored or the rates were reduced below those in the existing law. In 125 cases, increases were made over existing rates and 60 of these were on agricultural or related products."

comparison assumed that the present bill approximated a general revision. On this the coalition had the testimony of as regular a person as Senator Fess, the Republican whip, who said on October 28: "The bill coming from the House was rather general. I admit it went beyond a limited revision. The finance committee took the House bill as the basis for its action and has amended it in nearly 1,000 items."

In mid-November Senator Norris was in such high spirits that he referred lightly to the burden of night sessions, and lightly even to an automobile accident in which he had recently been involved. "I have been run over so often in the past by political machines," he said, "that an ordinary automobile running over me has no effect whatever, unless it be an invigorating one." On the other hand, Dr. Copeland—also senator from New York—was exclaiming: "I should not be true to my professional training if I did not make other plea to Senators to adjourn the Senate." At this juncture the attention of the press was directed to a group variously called the "Young Republicans," "the Freshmen," the "Young Guard," the "Hoover Bloc," the "Young Turks," the "Baby Bloc," and the "Junior League."²³ A formula that may or may not have been in their minds was sketched by one of their most active mouthpieces, Senator Henry J. Allen of Kansas, who was quoted on November 18 as saying: "We desire a bill with farm rates approved by the American Farm Bureau and the industrial rates on the average about the same as the present law, with increases for industries which are now depressed." On November 14 this group helped in the unexpected defeat of Simmons' motion (put with the concurrence of the acting Republican leader) for adjournment on November 23. In the end, on November 20, the proposal to adjourn on November 22 was carried by 49 (14 Republicans, 35 Democrats) to 33 (32 Republicans, 1 Democrat). Apart from further undermining the prestige of the accredited leaders, the effect of the first-year members seemed to be to provide the coalition with more water in which to float their program of ample debate and consideration.

Meanwhile some of the most powerful Republican leaders treated the bill as virtually dead. "The coalition," declared Senator Reed on November 6, "has made up its mind to knock out every increase in the industrial rates, and we might just as well go ahead and have done

²³ The members seem to have been: Allen, Kan.; Glenn, Ill.; Goldsborough, Md.; Hastings, Del.; Hatfield, W.Va.; Herbert, R.I.; Kean, N.J.; McCulloch, Ohio; Patterson, Mo.; Townsend, Del.; Vandenberg, Mich.; and Walcott, Conn.

with it. Then the bill will go to conference, and the House and the Senate will never agree, but we will at least be rid of it and can go on with our routine business."²⁴ This was after an amendment upon the floor had been adopted by a vote of 48 to 30, cutting the duty on iron in pigs from \$1.50 to 75c. Mr. Reed felt so angry that he said: "I do not think the Communists are doing any damage at all, but I believe that the action of the Senate on such items as this, when the facts are proven beyond a doubt by their own Tariff Commission, is doing more damage to the stability and the structure of American industry than anything which could be done by these unworthy groups I have mentioned." The polished and polysyllabic Ashurst of Arizona had opportunity to say the next day: "Opulent as history is in irony, I am unable to call to mind any irony more distinct than the efforts of my honorable friend, the Senator from Pennsylvania, to promote free trade in manganese."

There was, in fact, little inconsistency on either side, however much there may have been of a selfishness which, embracing no larger area than a section, has not the right to call itself patriotism. The lines of the dispute were along the inveterate controversy between the claims of raw materials—products of the farm, forest, and mine—and, as Key Pittman of Nevada put it, the "opposition of those who have been the beneficiaries of this institution from the very beginning against having the production of raw materials considered as an industry." As a leader of the coalition, Senator Borah advocated no abstract low-tariff position. "We in the West are now a developing country," he said on September 26. "Protection is more applicable to us than to any other part of the country and more necessary in order that we may develop, and it is because of the fact that we must necessarily guard the power that we have, and the rights we have, upon this floor . . . this is the only body left where there is anything like equality in shap-

²⁴ The outcome is likely to be crucially affected by the composition of the conference committee. An interesting plea by Senator McKellar for coalition recognition there was issued through the Democratic National Committee on October 7. Even more, it will depend upon the possible development of a larger group of insurgent Republicans in the House. In the vote on the passage of the tariff bill on May 28, only 12 Republicans were in the negative, distributed as follows: 5 from Minn.; one each from Iowa, Kan., N.Y. (LaGuardia), Penn. (James Beck, on the ground of constitutional objections to the flexible tariff provision), S.D., and Wis.—the lack of insurgency here being surprising, although perhaps less so in view of the placing of Frear on the ways and means committee.

ing the economic policies of the country as between the industrial interests and agriculture."²⁵

The measure of the strength of the coalition can be read in certain outstanding votes on the special and administrative features of the act. One phase of their interest was revealed on September 10, when a resolution was adopted directing the committee to obtain from the Treasury information regarding the profits, etc., of taxpayers indicated by either the majority or minority of the committee as "affected by the pending tariff legislation."²⁶ This prevailed by a vote of 51 (21 Republicans, 30 Democrats) to 27 (all Republicans). Proposed new methods of determining values were struck out on October 7 by a vote of 44 (11 Republicans, 33 Democrats) to 37 (36 Republicans, 1 Democrat). Provision for the issuance of export debentures in the discretion of the Federal Farm Board was inserted on October 19 by 42 (14 Republicans, 28 Democrats) to 34 (31 Republicans, 3 Democrats). Mr. Hoover's most particular hope—a flexible tariff operating through the President on the advice of the Tariff Commission—was eliminated by a vote of 47 (13 Republicans, 34 Democrats) to 42 (38 Republicans, 4 Democrats).

The President and Congress. It is too early to appraise the President's methods, let alone the extent of his influence, in legislation.²⁷

²⁵ Rifts in the coalition appeared (though not seriously, for Democratic senators from the East are at the moment almost non-existent) when Walsh of Massachusetts cried out against the proposal of a higher duty on raw wool.

²⁶ It is impracticable, but also unnecessary in view of the attention they have commanded, to trace the work of the sub-committee of the Senate committee on judiciary (Caraway, chairman, Walsh of Montana, Borah, Blaine, and Robinson of Indiana) in investigating lobbying, under S. Res. 20, agreed to October 1; or of the sub-committee of the committee on naval affairs (Shortridge, chairman) in looking into the activities of W. B. Shearer, at the Geneva naval conference especially, in behalf of certain shipbuilding companies, under S. Res. 114, passed on September 14. The latter was suspended in mid-October, to go over to the new year. Parts of the report of Caraway's committee (S. Rept. 43) were submitted to the Senate from time to time, on special matters. One of these concerned the action of Senator Bingham of Connecticut—one of the most prominent exponents of the cogent "aged industries" argument for the protective tariff—in placing Charles L. Eyanson, assistant to the president of the Connecticut Manufacturers' Association, on the rolls of the Senate. This action was declared to be "contrary to good morals and senatorial ethics" in S. Res. 146, adopted on November 4 by 54 (22 Republicans, 32 Democrats) to 22 (all Republicans).

²⁷ In his message on April 16, President Hoover favored the consideration of "certain matters of emergency legislation that were partially completed in the

Senator Smoot shed little light when asked whether the President favored the bill as it came to the Senate. "I know," he said, "that the President is in favor of protection." Perhaps the President shares Senator Watson's theory that when "the bill goes to conference and approaches a finality then we may determine with the President what or what not should be left out in accordance with his desire, pending a veto or facing a veto, but not before." Apart from the President's remarks in his inaugural address and in his message on April 16, he publicly broke his silence on the tariff in two prepared statements given to the press. On September 24, speaking in the first person, he urged that the power to change tariff rates should be left to the President. On October 31, using the third person, he urged that the bill should be sent to conference within two weeks. In this statement, he based a plea for the flexible tariff in his own disclaimer that, "The President has declined to interfere or express any opinion on the details of rates or any compromise thereof, as it is obvious that, if for no other reason, he could not pretend to have the necessary information in respect to many thousands of commodities which such determination requires." If the President has fallen short in this first test of leadership, it has doubtless been due to a lack of prevision, or of decision, or perhaps merely of influence, in using the House organization to control the early, crucial stage of revision.

Countryside and City. Reapportionment triumphed at last in the enactment of a measure that also carried provision for a decennial census of population, agriculture, irrigation, drainage, distribution, unemployment, and mines (Public No. 13, S. 312, approved June 18). In the Senate, the crucial vote on reapportionment was provoked by the motion of Senator Black of Alabama to strike out the whole section. It was defeated by 38 (9 Republicans, 29 Democrats) to 45 (40

last session, such as the decennial census, the reapportionment of congressional representation, and the suspension of the national-origins clause of the immigration act of 1924, together with some minor administrative authorizations." Mr. Hoover did not have his way about national origins. Reluctantly, on March 22, he had proclaimed the quotas, effective July 1. Senator Reed led the defense of the clause. "If I am an insurgent or pseudo," he said, "we will have to make the best of it." The Senate committee voted 4 to 2 against reporting the repealer (S. 151). Senator Nye, N.D., pressed a resolution (S. Res. 37) to discharge the committee. On June 13, the resolution was allowed to go to a vote, failing by 37 (27 Republicans, 10 Democrats) to 43 (19 Republicans, 24 Democrats).

Republicans, 5 Democrats). Shortly afterwards, Senator Sackett of Kentucky moved an amendment to eliminate aliens as a basis for representation. "Why should we change the power of the Congress," he cried, "from the rural communities, which need it most, to those parts of the country which are populated by a foreign alien horde?" His amendment failed by 29 (11 Republicans, 18 Democrats) to 48 (37 Republicans, 11 Democrats). The combined bill passed the Senate on May 29 by a vote of 57 (41 Republicans, 16 Democrats) to 26 (8 Republicans, 18 Democrats).

While the House had it in committee of the whole, two antipathetic amendments were temporarily inserted in it by the force of non-concentric, overlapping majorities, in which the Middle Western element was the common factor. The first of these struck at the alien; it was adopted on June 4 by 183 to 123. The other proposed that the census should include the enumeration of citizens over twenty-one whose right to vote "has been denied or abridged except for rebellion or other crime." Its sponsor, Tinkham of Massachusetts, declared that if it were not adopted "this House is a House of hypocrites, of nullifiers, and of men wholly lawless." It, too, was adopted on June 4, the vote being 145 to 118. Space does not permit telling how the majority leader saved the bill by devising procedure that would (as he put it afterwards) "combine the two groups opposing each of the offending amendments." The bill passed the House on the same day, June 6, by 271 (193 Republicans, 79 Democrats) to 104 (43 Republicans, 61 Democrats).²⁸ In its final form, the reapportionment section leaves the membership of the House at 435. It provides that at the opening of the second regular session of the 71st Congress, and of every fifth Congress thereafter, the President shall transmit a statement showing the number of representatives to which each state would be entitled, ascertained, first, by "the method used in the last preceding apportion-

²⁸ In conference, confronted by an adamant House, the Senate practically abandoned the provision for civil service in census organization. This had originally been written into the bill by the amendment proposed by Senator Wagner, N.Y., Democrat, adopted on May 24 by 42 (11 Republicans, 31 Democrats), to 37 (36 Republicans, 1 Democrat). The Senate provision calling for a census of radio sets was also dropped. A compromise was reached by which the census of population was to begin April 1, 1930, instead of November 1, 1929, as the Senate wished, or May 1, 1930, as the House wrote it. The conference report was accepted in the Senate on June 13 by a vote of 48 (40 Republicans, 8 Democrats) to 37 (9 Republicans, 28 Democrats).

ment," second, by "the method of major fractions," third, by "the method of equal proportions." Thus was the technical bone of contention compromised. If the Congress that receives the statement should not enact a law, reapportionment would take place automatically according to the method used in the last preceding apportionment.²⁹

The Senate as Council. An interesting step in the development of the Senate was taken by the adoption on June 18 of an amendment to its rules (Rule xxxviii, par. 2), stating, in part, that "hereafter all business in the Senate shall be transacted in open session, unless the Senate in closed session by a majority vote shall determine that a particular nomination, treaty, or other matter shall be considered in closed executive session," and adding "that any senator may make public his vote in closed executive session."³⁰ The sponsor of the change, Senator Jones, had planned to confine it to nominations; the committee on rules attempted to reverse the provision so that the line of least resistance would still be the closed session; but in the end the bipartisan combination asserted itself and adopted the broadened substitute proposal of the Democratic leader by a vote of 59 (31 Republicans, 28 Democrats) to 15 (13 Republicans, 2 Democrats). On October 16 the scheme of confirmation in open session was illustrated in the confirmation of the eight members of the Federal Farm Board, three of whom elicited opposition.³¹

In the course of the special session,³² 3,728 executive nominations

²⁹ For the fifth time, on June 7, the Senate passed the constitutional amendment sponsored by Senator Norris (S. Jt. Res. 3, popularly called the *Lame Duck Amendment*). The vote was 64 (36 Republicans, 28 Democrats) to 9 (7 Republicans, 2 Democrats).

³⁰ In urging the change, Senator Jones referred to the leak by which two press syndicates circulated stories purporting to give the exact roll call on the confirmation of Irvine L. Lenroot as a justice of the Court of Customs Appeals, as a result of which (despite protests from such senators as LaFollette) the committee on rules sought to rebuke Paul R. Mallon, of the United Press Association, and to deny his association the privilege of the floor. Senator Jones said on May 21: "It simply emphasizes the impractical character of our rules with reference to the transaction of business in executive session."

³¹ Alexander Legge, chairman, confirmed by 67 (43 Republicans, 24 Democrats) to 12 (4 Republicans, 8 Democrats); S. R. McKelvie, grains, confirmed by 50 (38 Republicans, 12 Democrats) to 27 (8 Republicans, 19 Democrats); and C. W. Williams, cotton, confirmed by 57 (39 Republicans, 18 Democrats) to 20 (5 Republicans, 15 Democrats).

³² At a special session on March 5, the Senate confirmed the eight cabinet nominations submitted by President Hoover, and by resolution directed the committee

(transmitted in 243 separate messages) were received by the Senate. Of these, two (both postmasterships) were rejected; 5 were withdrawn; 3,546 were confirmed, leaving 170 unconfirmed at the end.³³

The Senate meanwhile found time to ratify ten treaties and to make public another not yet acted upon,³⁴ and prepared to relinquish two of its number to the diplomatic service and to loan two others to the naval conference delegation.

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"The Bearing of Myers v. United States upon the Independence of Federal Administrative Tribunals"—A Criticism. In a recent issue of the *Review*,¹ Professor James Hart, of Johns Hopkins University, has advocated a limitation upon the doctrine announced in the Myers case² so that Congress may prescribe the terms of office of the members of the various quasi-judicial administrative tribunals, and incidentally that of the Comptroller-General.

The present writer's views on the status of the Comptroller-General

on judiciary to "inquire and report . . . (1) whether the head of any department of the United States may legally hold office as such after the expiration of the term of the President by whom he was appointed; ((2) whether, in view of the provisions of the laws of the U. S., Andrew W. Mellon may legally hold the office of Secretary of the Treasury. . . ."

³³ By main groups, the figures were: (1) Civilian (other than postmasters), 616 nominations, 544 confirmed, 1 withdrawn, 71 unconfirmed; (2) Postmasters, 793 nominations, 757 confirmed, 2 rejected (Dillon, Mont., and Jamestown, N.D.), 34 unconfirmed; (3) Army, Navy, and Marine Corps, 2,324 nominations, 2,255 confirmed, 4 withdrawn, 65 unconfirmed. The refusal of the Senate in open session on November 20 to confirm A. C. Gruwell as postmaster of Dillon seemed hopeful. The nominee received a rating of only 70.60 per cent in an examination in which the present incumbent (apparently satisfactory) was given 86.60 per cent (including 5 per cent for war service), and another candidate 78 per cent.

³⁴ Not yet ratified: convention (signed March 27, 1929) regarding the sockeye salmon fisheries in the Fraser River system. Ratified: arbitration treaties with Ethiopia (signed Jan. 26, 1929), Roumania (signed March 21, 1929), Belgium (signed March 20, 1929), Luxemburg (signed April 6, 1929), Portugal (signed March 1, 1929); treaties of conciliation with Ethiopia (signed Jan. 26, 1929), Roumania (signed March 21, 1929), Belgium (signed March 20, 1929), Luxemburg (signed April 6, 1929); and, with a reservation regarding scope of prison-made goods, the convention and protocol signed at Geneva Nov. 8, 1927, and July 11, 1928, for the abolition of import and export prohibitions and restrictions.

¹ August, 1929, p. 657.

² 272 U.S. 52. The opinion says that Congress cannot limit the President's power to remove the members of the quasi-judicial administrative tribunals.

are expressed elsewhere.³ He also dissents from Professor Hart's views on the expediency of granting to the various administrative tribunals any different terms of office from those which the Chief Justice indicated in the Myers case that they already have. This dissent is not a little supported by the practical suggestion of Dr. Hart. He indicates that "constitutional *mores*" are alone not enough to regulate the President's actions in exercising his power to remove,⁴ but that a definite term and formula should be prescribed and "constitutional *mores*" then depended upon to keep the President within the bounds of the formula.⁵ The limited experience of the present writer indicates that it is easier to satisfy a formula which is presumed to prescribe justice than to satisfy the dictates of justice on the facts of each case.

Expediency, however, is a matter of opinion. One who attempts to criticize the logic and technique of another must accept the other's views of expediency. Assuming, therefore, that it is expedient for the Court in future decisions so to limit the Myers decision as to allow Congress to prescribe without constitutional objection the terms of the members of the quasi-judicial administrative tribunals, the question to be presented here is whether or not Professor Hart has advanced a legal theory which the Court, if it is so minded, is likely to adopt. It is not the purpose of this paper to present a better theory than that of Professor Hart. That would probably be impossible. Because the present writer dislikes Professor Hart's result, his purpose here is to suggest that the result is impossible.

Before attending to the more specific points of Professor Hart's argument, two general criticisms should be made. First, the diagnosis of the judicial mind made in the article has the defects common to most such diagnoses by non-legal scholars, and also many diagnoses by legal scholars who have never practiced. Professor Hart does lip service to the fact that judges are human,⁶ but he cannot know without actual contact with specific minds and specific cases the full meaning of his words. It must be remembered that the legal profession is endowed with a paraphernalia which, like that of the magician, is hard for the uninitiated to understand. History and logic play a much more

³ 23 *Illinois Law Rev.* 556.

⁴ Pp. 658-9.

⁵ P. 671.

⁶ See his footnote 7.

important part with the judiciary than Dr. Hart seems to be willing to recognize. Courts do not read meaning into or out of documents as boldly as he indicates. They are naturally conservative and make no such radical moves as he attributes to them. When it is necessary to get meaning out of the apparently meaningless, the process is definitely circumscribed by history, precedent, logic, social needs, and professional opinion, i.e., the opinion of the practicing bar.⁷

The second general criticism is this: Congress is not an omnipotent parliament. Whatever may be the conclusiveness of the history of the removal power, history conclusively demonstrates that at least one of the purposes of the Federal Convention was to curb the populace and place distinct limits on the people's representatives in favor of a strong executive.⁸ It may be that the doctrine of the separation of powers was adopted less by mistake than to supply a theory for an expedient solution. Most of the commentators on the Myers case seem to overlook this fact. As against the other two branches of the triumvirate, there is no presumption that Congress is given the exercise of any power delegated to the federal government. The rule of law which raises a presumption of the validity of congressional acts applies only when these acts are subjected to an attack on the ground that they exceed the power of the federal government; a clearer statement of the presumption would be that of the validity of the acts of the federal government, whether legislative, executive, or judicial. Professor Hart apparently falls into the same error as the other commentators on the Myers case. He seems to have more faith in legislative than in executive wisdom. In spite of a couple of bad examples of presidents in recent years, the legislator can lay little more claim to preferment over the executive today than at the time of the federal convention.

Professor Hart's theory of removal is based, he says, upon the Anglo-American conception of executive power. According to this conception, he says, executive power is divided as follows: "(1) certain political powers of a discretionary nature vested by *our Constitution* directly in the President, . . . ; (2) the executive function in the general sense of administration of the laws, . . ."⁹ The word "Anglo-

⁷ See Cardozo, *Nature of the Judicial Process*.

⁸ See Thach, *Creation of the Presidency*, especially Ch. III and the first paragraph of Ch. IV.

⁹ P. 666.

American" is not well chosen. The English conception of executive powers is quite different from the American. The American conception is derived from a French misconception of the English system. The idea of the separation of powers is not, however, peculiar to Anglo-American law. The first expounder of a theory of the separation of powers was Aristotle.¹⁰ His followers have by no means been confined to the English-speaking nations, and no two expounders since Aristotle have fully agreed on any classification of governmental powers. That the conception is not very clear in the mind of Dr. Hart is indicated by his method of naming his classes; one class is made up of "political powers" and the other of "executive functions."

Professor Hart indicates that the Constitution itself suggests his classification of executive powers. Briefly, the constitutional grant to the President is as follows: (1) the executive power; (2) commander-in-chief of the army, navy, and militia, which Congress has power to raise, support, provide, maintain, and make rules for the government and regulation of; (3) require written opinions from executive departments; (4) grant reprieves and pardons; (5) make treaties, by and with the advice and consent of the Senate; (6) nominate and, by and with the advice and consent of the Senate, appoint certain officers; (7) fill vacancies; (8) receive ambassadors; and (9) take care that the laws be faithfully executed. Professor Hart nowhere indicates which of these powers are assigned to either of his classes, and their enumeration certainly discloses no indication of such a classification. The fact of the matter is that our Constitution does not vest in the President certain discretionary powers as distinguished from the executive function in the general sense; but it does vest in the President the executive function, in Congress the legislative function, and in the courts the judicial function. As part of the judicial function, it leaves to the Supreme Court a pretty wide latitude to do its own classifying of the powers of government, a right which, so far as the line between the legislative and the executive is concerned, the Supreme Court has exercised to date very infrequently.

Professor Hart indeed gives us some idea of his classification when he says that the President has the power to remove as a correlative to his power of administrative supervision. He says, however, that

¹⁰ *Politics* (Jowett's trans.), Book iv., Ch. xiv; (Welden's trans.), Book vi., Ch. xiv.

this is the President's power only conditionally.¹¹ Why conditionally? Because the omnibus clause of Section 8 of the legislative article gives Congress power to pass all laws necessary and proper to carry into execution all powers vested in the government of the United States, or in any department or officer thereof. Professor Hart is to be commended for his originality in making this contention. It gives one who attempts to criticize his conclusions some pause. It is, however, not unanswerable. Remembering that there is no presumption of the validity of the exercise of a particular power by any one of the three departments, this clause is to be interpreted as meaning that where it is proper to legislate rather than execute or adjudicate, the legislation cannot be attacked on the ground that such power is not delegated to the federal government. Check upon a power that is executive rather than legislative is not by that clause given to the legislature. Checks by one department on the exercise of a power properly allocated to another must be specific.

A proper understanding of this interpretation requires a brief summary of the present writer's theory of the separation of powers. As a matter of fact, of course, the operation of a government with its powers divided up between three coördinate branches is impossible. The outcome is that one of the branches assumes the supremacy. In America, this has been the judiciary, so that our governments may be called judiciocracies. The theory of the separation of powers is, however, a part of our legal structure and must be dealt with in any discussion of the legal aspects of the organization of government. According to this theory, all powers of government are allocated to one of the three branches, executive, legislative, or judicial. Each exercises its powers with only that check by either of the other branches which is specifically provided in the Constitution. Even the checks specifically given to the other branches are to be construed strictly.

This, it is believed, is the result of such decisions as have so far been rendered. When called upon to pass upon a question involving the separation of powers, the Supreme Court realizes that it is dealing with a theory that it must use to insure the best practical government possible, and in the application of which it has a wide latitude. As the decisions have gone so far, the Supreme Court has set off judicial power from the other two by rather distinct lines. The line between

¹¹ Pp. 667-8.

the legislative and the executive is just begun. From the relatively few decisions so far rendered, the following seems to the present writer to be the point of view adopted by the Supreme Court. When it is determined that a particular power belongs to one of the three branches, that branch should be given, in the exercise of that power, a free rein. The Court sees that uncontrolled power may be abused, but realizes that government is possible, after all, only by the exercise of self-restraint, and that, in the final analysis, laws do not make a government work. It is the willingness to be governed on the part of the governed and a desire to make the thing work on the part of those who exercise the powers of government that make government possible. The Supreme Court seems, therefore, to take the attitude that, if it is not futile, it is at least not desirable, to attempt to control that desire by law.

Applying this attitude to the quasi-judicial administrative tribunals, if Congress finds it desirable to give them executive powers, it must be willing to see them come under the final control of the President, and to depend upon his desire to make the government run to restrain him in the amount of control he actually exercises over them. The power to remove is too important a power in the hands of the supreme executive to be infringed upon. He must be able to control his important subordinates, and they must realize their dependence on his will alone, if he is to be held responsible not only for administrative efficiency but for the economic and social welfare of the nation. The tenure of the inferior ranks may well enough be regulated so long as the enforcement of the regulations is in the hands of those whom the President may control by his removal power.

The final comment on Professor Hart's article concerns his generalization from the Myers decision. He says that the decision is to be limited to a holding that the Senate (or Congress) may not be associated with the President in the act of removal.¹² To allow this would be to invade the separation of powers. His theory, as has been said before, is plausible; but when the omnibus clause in the legislative article is shown not to be relevant to this discussion, the only clauses left are those in the executive article upon which the Supreme Court rests its decision, namely, the general grant of executive power, the injunction to see that the laws are faithfully executed, and the grant of the appointing power. In the mind of the Chief Justice, with

¹² Pp. 662, 670.

his own personal knowledge of the difficulties of performing this duty of seeing that the laws are faithfully executed, the *general grant of executive power* meant enough power so that the President could perform this duty with some semblance of satisfaction to himself. Such congressional interference as is necessary does not make that task lighter or the results more favorable. He was not favorable to any increase in that interference. To him, the general grant of executive power carried with it the *sine qua non* of efficiency, the untrammelled control by the President of his subordinates, including the Interstate Commerce Commission, the Federal Trade Commission, the Federal Reserve Board, and the others. These agencies have too much executive power to be allowed a position of ultimate independence of the President. Jackson's point of view in dealing with the old National Bank should be recalled, and also that institution's attempt to thwart Jackson's policies. So, independent boards dealing with such vital national concerns as those above named should be in no position to stand out indefinitely against the President's leadership toward what he conceives to be desirable. Constitutional *mores* may be depended upon to give them all the independence that is compatible with popular needs. So strong was this thought in the mind of the Chief Justice, and so strongly does it appear from a careful reading of the opinion, that it would certainly require considerable violence to re-interpret the general grant of executive power in accordance with Professor Hart's wishes.

In conclusion, the writer must dissent from the assertion that the opinion of the Chief Justice "runs counter to the generally accepted principles of the art of government," and must assert that he is one political scientist who does not agree that the tenure of quasi-judicial officers should not be at the mercy of the President. He is highly skeptical of an art which runs counter to the practical experience in government of the present Chief Justice; and he does not give much weight to the opinions of political scientists who have had no practical experience with quasi-judicial administrative bodies.¹³

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¹³ In connection with this subject, it may be added that the most scholarly work yet written on the presidency has been singularly neglected by the numerous commentators on the Myers decision. Professor Thach's *Creation of the Presidency* has the advantage of having been written by a real historical scholar and an excellent political scientist *ante litam motam*.

Professor Hart has requested that the following statement be printed in conjunction with the preceding article: "Dr. Langeluttig kindly furnished me a copy of the above comments, and the editor agreed to allow me to reply. I do not, however, think it necessary to do so. My views will be further elaborated in a monograph shortly to be published by the Johns Hopkins Press." *Man. Ed.*

CONSTITUTIONAL LAW IN 1928-29

THE CONSTITUTIONAL DECISIONS OF THE SUPREME COURT OF THE UNITED STATES IN THE OCTOBER TERM, 1928

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A. QUESTIONS OF NATIONAL POWER

I. EXECUTIVE POWER—THE POCKET VETO CASE

“Pocket veto” is the term applied to the killing of a bill by the President by the process of retaining it without signing it when Congress adjourns before the bill has been in his hands ten days. The Constitution provides for the pocket veto by stating: “If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.”¹ In the “Pocket Veto” case² the Court decided that the word “adjournment” in this clause refers not merely to the final adjournment at the expiration of a Congress, but to any temporary or ad interim adjournment. In short, the President may effectively pocket veto a bill whenever Congress, by going home, prevents him from returning it within ten days. The Court thus gave judicial sanction to a practice which has been followed sporadically ever since the days of Madison.³

On June 24, 1926, a bill was presented to President Coolidge authorizing certain Indian tribes to sue in the Court of Claims. On July 3 the first session of the 69th Congress adjourned, and it did not meet again until December. It was not in session on July 6—the tenth day after the bill was presented to the President (Sundays excepted). The President neither signed the bill nor returned it to the Senate,

¹ Const., art. 1, sec. 7, cl. 2.

² 279 U. S. 655. The case is cited as the “Pocket Veto” case in the official reporter. As originally presented, it was *Okanogan Indians v. United States*, and is so cited in the Lawyers’ Edition of the Supreme Court Reports.

³ The only case in the Supreme Court which has any bearing upon the problem at all is that of *La Abra Silver Mining Co. v. United States*, 175 U. S. 423, which held that the President might lawfully sign a bill presented to him after Congress has taken a recess for a fixed period.

where it had originated. It was not published as a law. The Indians, however, alleging that the bill had become law without the President's signature, sought to bring their suit in the Court of Claims. That tribunal refused to hear them, on the ground that the bill had been killed by the pocket veto, and the case went to the Supreme Court by certiorari. By request of the Judiciary Committee of the House of Representatives, one of its members appeared as *amicus curiæ* attacking the use of the pocket veto at the time of an ad interim adjournment.

In upholding the use of the pocket veto in the present case, the Court, speaking through Mr. Justice Sanford, divides its argument into four major points, which it presents mainly in the form of refutation of the arguments made by the plaintiffs and *amicus curiæ*. In the first place, it was urged that the President is intended by the Constitution to have merely a qualified veto over legislation, that if he disapproves a bill he is expected to return it with his objections so that Congress may reconsider it. The clause under review ought, therefore, to be so construed as to give effect to the reciprocal rights and duties of the President and Congress and to prevent his exercising a silent and absolute veto when it would be possible for him to return the bill with his objections for congressional reconsideration. The Court answers this by emphasizing that the Constitution imposes a most important duty upon the President in the consideration of bills and wisely provides a ten-day period for the deliberate and careful performance of that obligation. His duty in this connection cannot be cut down by Congress, nor can the time for its exercise be shortened. When Congress, by its adjournment during the ten-day period, prevents the President's careful scrutiny of the bill and its return to Congress, the failure of the bill to become a law is not necessarily due to the President's disapproval, but to the adjournment during the ten-day period. In other words, if Congress wishes to prevent the failure of bills through the pocket veto at the time of an ad interim adjournment, it may do so by remaining in session long enough to permit the President to return with his objections such bills as he disapproves.

In the second place, the Court finds no warrant for construing the phrase "within ten days (Sundays excepted)" as meaning "legislative days" rather than calendar days. So construed, the ten-day period in the present case, eliminating from the count entirely the period of adjournment, would have extended over into the short session opening in December, at which time the President could have returned

the bill for reconsideration if he disapproved it. But the Court finds no support for this interpretation, which is negated by the phrase "Sundays excepted." According to ordinary usage, "day" means calendar day. "No President or Congress has ever suggested that the President has 'ten legislative days' in which to consider and return a bill, or proceeded upon that theory."

In the third place, there is no sound support for the interpretation of the word "adjournment" to mean only final adjournment. The Constitution uses the term in other connections where final adjournment is obviously not meant, and similarly the House and Senate rules both speak of "adjournment" when only an ad interim adjournment is meant.

Finally, the Court holds that whether an "adjournment" has taken place within the meaning of the clause under discussion depends upon whether the President could return the bill to the house in which it originated before the end of the tenth day from the date of its presentation. This raises the crucial question whether the President may "return" a bill to a house which is not in session. It had been urged by counsel that the President could return it to the clerk, secretary, or other designated agent of the house, who could put it on file and present it to the full house when it reconvened. This view the Court rejects. The "house" to which the bill must be returned is the house in session. This seems to accord with the plain meaning of the Constitution. There is dictum supporting this view in an earlier case,⁴ and the long established practice in respect to receiving the President's message in full session is in accord. Nor has either house of Congress ever designated or authorized any officer or agent to receive bills from the President during an ad interim adjournment.

In addition to these arguments, the Court relies strongly upon the fact that long established custom, extending over many years, supports the practice under attack here. In one instance, in 1868, the Senate passed a bill providing for the return of bills by the President while the Congress was not in session.⁵ This, however, failed of passage in the House. As against this single unsuccessful effort there stands the record of over 400 pocket vetoes during our entire history, with 119 of them exercised at the time of an ad interim adjournment.⁶

⁴ *Missouri Pacific R. Co. v. Kansas*, 248 U. S. 276.

⁵ S. 366, 40 Cong., 2d. Sess.

⁶ The results of a careful investigation of previous practice made by the Department of Justice are presented in House Document No. 493, 70 Cong., 2d. Sess.

II. LEGISLATIVE POWER

1. *Power to Compel Testimony—Punishment for Contempt*

It will be recalled that the case of *McGrain v. Daugherty*⁷ upheld the right of the Senate to compel a witness to appear and give evidence necessary to enable that body to exercise a legislative function. In *Barry v. United States ex rel. Cunningham*,⁸ it is held that a similar power may be used in aid of the judicial function of the Senate in judging the elections, returns, and qualifications of its own members. The case arose in connection with the contest over the seating of William S. Vare as senator from Pennsylvania. Cunningham was a member of the Vare organization. He was summoned before the Senate committee investigating campaign expenditures before the election of 1926 and testified that he had made two cash payments, amounting to \$50,000 to the chairman of the Vare organization, the origin of which he refused to disclose, on the ground that it was a personal matter. After the election he was again summoned, and again refused to give this information. When Congress convened in December, 1927, the Senate, in view of the large sums alleged to have been spent on behalf of Mr. Vare, directed its special committee on campaign expenditures to investigate his claims to a seat, in the meantime refusing to seat him. The committee, reporting in March, 1928, included in its report the evidence given by Cunningham, recited his refusal to testify as to the questions asked of him, and recommended that he be adjudged in contempt of the Senate. The Senate did not cite him for contempt, but instead passed a resolution reciting his contumacy and authorized a warrant ordering the sergeant-at-arms to arrest Cunningham and bring him before the bar of the Senate to answer such questions pertinent to the matter under inquiry as might be propounded. Barry, the sergeant-at-arms, arrested Cunningham, who sued out a writ of habeas corpus in the district court. The district court upheld the validity of the arrest.⁹ This was reversed on appeal by the circuit court of appeals,¹⁰ and was brought from there to the Supreme Court.

The Supreme Court, speaking through Mr. Justice Sutherland, held that the arrest was within the power of the Senate. It gave its attention to three major attacks upon the validity of the arrest. In the

⁷ 273 U. S. 135. See comment in this *Review*, vol. 22, p. 78.

⁸ 279 U. S. 620.

⁹ 25 Fed. Rep. (2d.) 733.

¹⁰ 29 Fed. Rep. (2d.) 817.

first place, it held that the Senate was engaged in an inquiry that it had constitutional power to make. The Constitution gives to each house the power to judge the elections and qualifications of its own members.¹¹ This is a judicial rather than a legislative function, but it is clear that in its performance the Senate may conduct necessary investigations to secure evidence and information. There is no merit in the contention that since Vare had been denied his seat pending the investigation he was not a "member," and therefore the Senate was not investigating the returns and qualifications of members. The use of the term "member" in this connection extends to those who have been certified from their several constituencies to have been elected and present themselves to the Senate for admission. This has been the uniform interpretation given in the past. The Court also rejected the contention that the Senate's refusal to seat Vare during the time of the investigation was unconstitutional as depriving the state of its equal representation in the Senate. This guarantee of equality of representation appears in Article V as a restriction upon the amending power and does not apply to the present situation. The Senate's refusal to seat Vare does not deprive the state of its "equal suffrage" any more than would its perfectly valid action in expelling a sitting member.

Furthermore, there can be no objection to the action of the Senate in taking over the investigation from the committee and ordering Cunningham to appear directly before the full body. The committee was merely the tool commonly used in making an investigation, but by no means a necessary one. In the second place, it is held that the Senate, in performing the judicial function here involved, has the same incidental powers to compel the attendance of witnesses and issue warrants of arrest as would a court of justice under similar circumstances. The Court here cites the McGrain case to emphasize that the power to compel testimony is not less when in aid of the judicial functions of the Senate than when in aid of its legislative functions. Finally, the somewhat technical point is disposed of that the warrant of arrest was valid although no subpoena had been served upon Cunningham in the immediate proceeding. While such a subpoena is customary, it may be dispensed with when a witness seems likely to be obstinate or to escape from the jurisdiction. Cunningham's past conduct created the presumption that he would persist in his refusal to testify, and

¹¹ Art. 1, sec. 5, cl. 1.

justified the more summary procedure. It was held not necessary to determine whether or not the questions to be asked of Cunningham would be pertinent to the inquiry in progress. The presumption is that the Senate would not ask irrelevant questions.

The case of *Sinclair v. United States*,¹² resulting in Mr. Sinclair's imprisonment for three months, did not involve the summary power of the Senate to punish an obstinate witness for contempt. It arose under an act of 1857¹³ which makes it a misdemeanor for any witness summoned before either house of Congress (or any committee thereof) to give evidence or to produce papers upon any matter under inquiry, to refuse to come or to refuse to testify. Mr. Sinclair was convicted under the statute, and his conviction was sustained by the Supreme Court. An understanding of the facts involved is vital. Mr. Sinclair was head of the interests which secured the notorious Teapot Dome oil leases during the incumbency of Mr. Fall as Secretary of the Interior, in 1921. In 1922 the Senate embarked upon a series of investigations relating to the naval oil leases. It began by authorizing the committee on public lands to investigate the subject of the leases and report. This it followed by an authorization to require the attendance of witnesses and the production of books and papers. These resolutions of 1922 were continued in force by a resolution of 1923. In 1924 the committee was further authorized to ascertain if any additional legislation was desirable and to report to the Senate. The day after the passing of this Senate resolution, a joint resolution was approved by the President directing him to institute suits for the cancellation of the leases and contracts affecting the naval oil reserves and to prosecute such actions, civil or criminal, as the facts might warrant, and to appoint special counsel to have charge of the matter. During the course of these investigations Mr. Sinclair had appeared, at the request of the committee, and given evidence five times. After the passage of the joint resolution authorizing court action, he was subpoenaed to appear again. He did so, but he refused to give further evidence, partly on the ground that the questions asked related to his personal affairs, and partly on the ground that the instituting of legal proceedings by the operation of the joint resolution had placed the whole matter outside the competence of the Senate committee by making it a matter of judicial investigation. He did

¹² 279 U. S. 263.

¹³ U. S. Code, title 2, sec. 192.

not at any time set up any claim of protection against self-incrimination. He was indicted under the provisions of the statute above mentioned.

The opinion sustaining his conviction was written by Mr. Justice Butler. The Court pointed out how jealously private individuals are protected against being compelled to give evidence before legislative bodies upon matters which are not pertinent to the powers of those bodies and which relate to private and personal matters. All the leading cases on this point are set forth. But the Senate investigation in progress did not relate to Mr. Sinclair's private business alone; it had a definite bearing upon the public interest in lands and oil reserves and upon the measures which ought to be taken to protect those interests. The committee was well within its rights in making the investigation. Nor did the passage of the joint resolution divest the Senate of power to continue that investigation. There still remained open the question of what legislative policy ought to be followed in the premises. In answer to the contention that the questions which had been asked were not pertinent to any inquiry which was authorized, the Court pointed out that such questions were definitely pertinent to the committee's investigation touching the rights and equities of the United States in the lands involved. Nor was there any error in treating the question of the pertinency of the questions as a question of law rather than as a question of fact to be submitted to the jury. Finally, there is no merit in the contention that Mr. Sinclair should be given a new trial because the court below refused to admit evidence to show that in refusing to testify he acted in good faith upon the advice of counsel. "The gist of the offense is the refusal to answer pertinent questions. No moral turpitude is involved. . . . There was no misapprehension as to what was called for. The refusal to answer was deliberate. . . . He was bound rightly to construe the statute. His mistaken view of the law is no defense."

This case makes clear the thoroughly inept situation which prevails with regard to the power of the houses of Congress to compel testimony and to punish for contempt when the testimony is not given. Mr. Sinclair was asked to testify on March 22, 1924, and refused. By his refusal he was able to throw the question of compelling his testimony into the courts, and during its pendency there to block the investigation so far as that evidence was concerned. The question whether he should have given the evidence was not finally decided

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until the Supreme Court rendered its decision in the present case on April 8, 1929, after a lapse of over five years. On the other hand, when the Court finally rendered its decision holding that Mr. Sinclair should have answered the questions put to him, it was then too late for him to answer them and thus escape punishment. In short, a recalcitrant witness may block a congressional inquiry for so long a period as to make it practically ineffective; at the same time, such a witness, honestly believing that the committee has exceeded its proper authority in requiring his testimony, can test the committee's right to do so only by a process which places him under the inescapable risk of punishment if he guesses wrong as to the law. Those who followed the various incidents in the whole naval oil lease situation, and those who, in particular, read the castigation by the Supreme Court of the methods by which those leases were secured,¹⁴ will find a certain irony in the fact that the offense for which Mr. Sinclair was finally punished was one which, in the words of the Court itself, did not involve "moral turpitude".

2. *National Taxation*

Two interesting cases involve the constitutional applicability of the federal inheritance or estate tax to certain transfers of property affected by the death of decedents. The first of these is *Chase National Bank v. United States*.¹⁵ Sec. 401 of the Revenue Act of 1921 imposes a tax upon the transfer of the net estate of every decedent. In computing this, the gross estate must first be determined, and in such gross estates is included, amongst other classes of property, "the amount receivable by the executor as insurance taken out by the decedent upon his own life, and all over \$40,000 of the insurance receivable by all other beneficiaries as insurance under policies taken out by the decedent upon his own life." In this case, one Brown, for whom the plaintiffs are executors, held three insurance policies amounting to \$200,000, naming his wife as beneficiary but reserving to himself the right to change the beneficiary. Upon his death, the tax collected included a sum based upon the inclusion in the estate of all but \$40,000 of the proceeds from the three policies. A suit was instituted in the Court of Claims to recover the tax thus paid, on the ground (1) that the tax is direct, because it is levied upon the policies or their proceeds as property, and, being direct, is unconstitutional

¹⁴ *Mammoth Oil Co. v. United States*, 275 U. S. 13.

¹⁵ 278 U. S. 327.

because unapportioned, and (2) because the method of collecting the tax and the measure of it are so arbitrary and capricious as to amount to a denial of due process of law. The Court, speaking through Mr. Justice Stone, upholds the tax against both contentions. The tax is in reality a tax on the transfer of the property, and not on the property itself. It is true that the interest which the beneficiaries of the policies had in them became "vested" in them before Brown's death. But until his death he retained the power to change the beneficiaries and dispose of the proceeds of the policies as freely as though he himself was named as beneficiary. Brown's death removed the possibility of the exercise by him of that power and brought about the passing to the beneficiaries of all rights under the policies free from any chance of change. Such passing or permanent vesting of the rights of the beneficiaries amounts to a transfer effected by the death of Brown, which is the proper subject of a transfer tax. In other words, the termination by the death of the insured of the right to change the beneficiaries amounted to a transfer of a valuable property right to such beneficiaries, and as such may properly be taxed. The objections to the tax based on the due process clause are found to be insubstantial and are disposed of by brief comment.

In *Reinecke v. Northern Trust Co.*,¹⁶ a somewhat similar problem was presented. Sec. 402 of the Revenue Act of 1921 included in the gross estate of a decedent the amount of any interest with respect to which he has created any trust in contemplation of or "intended to take effect in possession or enjoyment at or after his death." In this case a man created two trusts long before the passage of the act. The income was to be paid to designated beneficiaries, but he reserved to himself full power to revoke the trusts and resume possession of the money. He also created five other trusts which established life tenancies in the income to the beneficiaries, with remainders over. In these cases he reserved to himself only a power to revoke or modify the trust upon the consent of the beneficiaries where but one was named or a majority of the several named in one of the trusts. The Court held the transfer tax applicable to the "two trusts," but not to the "five." The distinction is found in the theory of the preceding case. In the case of the two trusts, there occurred at the donor's death an absolute vesting in the several beneficiaries of the rights created by the trust, free from the donor's power of revocation or alteration which

¹⁶ 278 U. S. 339.

had existed during his lifetime. This amounted to a transfer to the beneficiaries, which is properly the subject of a transfer tax. In the case of the "five trusts," revocation or modification is possible only by the consent of the beneficiaries, which puts them safely beyond the donor's control so far as those beneficiaries are concerned. Consequently, no interest passes to them at his death which had not previously vested in them under the terms of the trusts. Accordingly, there is not transfer at death, but an outright gift effected before death, and in this case admittedly not in contemplation of death. Nor is the court willing to include within the reach of the tax the transfer after the donor's death of the possession or enjoyment of the trust fund from the life tenant to the remainder men. This is held to be a gift *inter vivos*, absolute and complete, "which takes the form of a life estate in one with remainder over to another at or after the donor's death." There is no indication that the statute was intended to include such a gift, and there is grave doubt as to its validity if interpreted as doing so; consequently the five trusts are beyond the reach of the law.

3. *Ceded Districts*

The exclusive jurisdiction which the federal government enjoys over ceded districts¹⁷ is reaffirmed in *Arlington Hotel v. Fant*.¹⁸ The exclusive jurisdiction is here so exerted as to defeat a claim for loss by fire against the hotel, located in the ceded district, under a statute of Arkansas passed after the cession of the district. The original plaintiff attacked the validity of the cession purporting to establish exclusive federal jurisdiction on the ground that the use of the land for a hotel located near a federal military hospital was not among the purposes stated in the Constitution, which comprise "the erection of forts, magazines, arsenals, dockyards and other needful buildings." The Court held the hospital and accessories, including the hotel, to be properly appurtenant to the constitutional purposes just mentioned. It accordingly declined to pass upon the contention of the appellant that Congress has full right to treat land acquired by cession from the states as though it had always been subject to exclusive federal jurisdiction and govern it under the authority given by Article IV "to make all needful rules and regulations respecting the territory and other property belonging to the United States." It had been urged

¹⁷ Const., art. 1, sec. 8, cl. 17.

¹⁸ 278 U. S. 439.

in reply that Congress could use ceded districts only for the specific purpose for which the cession had been made. The question may become one of importance, since it involves the status of several national parks which have been created by Congress, and over which exclusive jurisdiction has been conferred by cession of the state.

III. JUDICIAL POWER

The case of *Wisconsin et al. v. Illinois*¹⁹ is the culmination of an unusually important and interesting interstate controversy. It arose technically from a bill filed by Wisconsin, Minnesota, Michigan, Ohio, Pennsylvania, and New York, asking that Illinois and the Sanitary District of Chicago be enjoined from withdrawing 8,500 cubic feet of water a second from Lake Michigan at Chicago, on the ground that such diversion has lowered the water level in the Great Lakes some six inches, to the great injury of the complainant states. Six states on the Mississippi joined Illinois as defendants, on the ground that the diversion of water through the Chicago Drainage Canal into the Mississippi has improved the navigability of that stream, and that such improvement could not now be withdrawn. The case has an interesting history, which may be sketched briefly.

As early as 1822, the project of connecting Lake Michigan and the Mississippi basin by a canal through the Chicago and Des Plaines Rivers was considered, and in 1848 such a canal was completed. The water necessary to operate the canal over the divide was pumped from the Chicago River. By 1865 the problem of sewage disposal in Chicago became acute. The Chicago River was sluggish and became offensive by reason of receiving the sewage of the growing city. The flow of water from the lake, through the Chicago River and the canal, was increased, and the summit level of the canal lowered. But the relief was inadequate and the river became again polluted. Thereupon, in 1881, the Illinois legislature authorized the pumping of not less than 1,000 cubic feet of water a second through the river and canal. This worked well for a few years, but between 1886 and 1891 the level of Lake Michigan fell two feet, so that the capacity of the pumps was reduced and the nuisance again became acute. Accordingly, a drainage canal large enough to ensure adequate disposal of Chicago's sewage, and also provide a navigable waterway for boats of 2,000 tons burden, was proposed. At the same time (1889), the

¹⁹ 278 U. S. 367.

Sanitary District was created; and under its authority the Drainage Canal was constructed and opened for use in 1900. This canal reversed the flow of the Chicago River. The legislature was authorized by an amendment to the Illinois constitution in 1908 to provide for the construction of a deep waterway over part of the canal route and to lease the water-power made available. In the meantime, all the sewage from the Sanitary District, including Evanston, was turned into the canal and the water taken from Lake Michigan was increased from 2,541 feet a second in 1900 to 6,888 feet in 1926. The cost of the undertaking to the Sanitary District has been \$109,021,613.

All this had not gone forward, however, without the knowledge, and occasional interference, of the federal government, which was interested, not only in the establishment of a navigable waterway across the divide, but also in protecting the lake ports and the navigability of the lakes and tributary streams. In the 80's and 90's, surveys and improvements in channel and harbor were authorized by Congress to be carried out through the Secretary of War. Various permits for withdrawal of water from the lake were given by the Secretary, reaching a maximum (save one to meet a temporary emergency) of 4,167 cubic feet a second in 1901. During these years federal engineers were studying the effect of the withdrawal of water on the lake level, and in 1905 they reported to Congress that the withdrawal of 10,000 feet per second would lower the level six inches. Subsequently, the Sanitary District applied for a greater flow of water than 4,167 feet, and was refused. As the District showed signs of going forward with its plans for the increased flow, the government brought suit to enjoin it. Two later petitions for more water were denied. A second injunction action by the government was joined with the earlier one, but both of them dragged in the federal district court in Chicago for six or seven years, and finally the injunction was issued and affirmed by the Supreme Court on appeal in *Sanitary District of Chicago v. United States*²⁰ in 1925. This injunction forbade taking more than 4,167 feet of water, the injunction to be effective in sixty days without prejudice to any permit which might be issued by the Secretary of War according to law. Immediately a petition was made to the Secretary to authorize 10,000 cubic feet withdrawal. In March, 1925, the Secretary issued a permit to take not more than 8,500 feet per second, on condition that the city of Chicago immediately take steps to dispose

²⁰ 266 U. S. 405. See comment in this *Review*, vol. 20, p. 82.

of one-third of its sewage, the permit to be revocable if this condition was not met. The condition has been complied with.

The present action by the six complainant states rests upon both constitutional and statutory grounds. It is alleged, on the constitutional side, (1) that the power over interstate commerce does not extend to the transfer of the navigable capacity of the Great Lakes to the Mississippi basin; (2) that the diversion is contrary to the clause forbidding preference of the ports of one state over those of another; and (3) that the injuries to the complaining states deprive them and their citizens, without due process of law, "of the natural advantages of their position," and are contrary to their sovereign rights as members of the Union. The permit of the Secretary to take 8,500 feet of water is also attacked as in excess of his power.

Upon the filing of the bill, the court appointed Mr. Charles Evans Hughes master to take evidence and report to it upon the merits of the controversy. This report shows a lowering of the levels of Lakes Michigan and Huron by about six inches under the 8,500 feet diversion, and of the levels of Lakes Erie and Ontario by about five inches. To divert 10,000 feet would lower these levels about one more inch. To cease the diversion would restore the levels in about five years. The report deals elaborately with the actual damage caused by the lowering of the levels. So far as navigation is concerned, it shows that the loss of six inches of draft for one year (1923) could be computed at about 4,000,000 tons at a waterhaul rate of 88 cents.

The court found it unnecessary to pass upon the constitutional objections urged against the diversion. It found that the statutes authorizing the Secretary of War to permit diversion of water have over a long period of time (since 1890) been construed to mean that the discretion thus vested in him is to be used in aid of the navigability of streams and waterways and the removal of obstructions therefrom. It was never contemplated that such power should be used to aid the sanitation of cities. The permit of 1925 authorizing the 8,500 feet diversion was both temporary and conditional. As such, it can be sustained as an exercise of power to protect the navigability of the Lakes, because the sudden cessation of the flow would so pollute Chicago harbor as to make navigation there impossible. A small diversion necessary to maintain the navigability of the Chicago River and canal can be permanently sustained. The larger diversion, made necessary by the defiance of the Sanitary District of the earlier permit

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for 4,167 feet, can be only temporary. Accordingly, the decree of the Court is that the District must at once proceed to reduce the diversion, construct other means of disposing of sewage, and itself adjust the small flow of water necessary to maintain navigation. The precise method of accomplishing this will require expert determination, and the case is accordingly referred back to the master to examine the matter further and report a proper form of decree which will, as effectively and as speedily as possible, give the complaining states the relief sought. The Mississippi River states joined with Illinois as defendants were held to have no rightful interest in the diversion.²¹

The constitutional status of the Court of Customs Appeals is discussed in an able opinion by Chief Justice Taft in the case *Ex parte Bakelite Corporation*.²² It is there held that that tribunal belongs to the class of courts which are known as "legislative courts," rather than to the class of "constitutional courts" created under the authority of Article III. Under Section 316 of the Tariff Act of 1922—a section described by the Court as "long and not happily drafted"—the Court of Customs Appeals is given the power to review questions of law involved in the findings of the Tariff Commission as to unfair practices involved in the importation of goods. The petitioners sought a writ of prohibition to prevent the exercise of this jurisdiction by the Court of Customs Appeals, on the ground that that tribunal is created by Congress under the authority of the judiciary article as an "inferior court" and cannot therefore be given jurisdiction over any proceedings which are not a case or controversy within the meaning of that article, and that an appeal from the finding of the Commission is not such a case or controversy but is merely an advisory opinion rendered in aid of executive action. The Chief Justice carefully distinguishes the legislative and constitutional courts, a distinction which has been recognized ever since the legislative status of territorial courts was proclaimed by Marshall in *American Insurance Co. v. Canter*²³ in 1828. A survey is given of the various legislative courts which have from time to time been set up, and special attention is given to the Court of Claims, which has much in common with the Court of Customs

²¹ On December 17, 1929, Mr. Hughes filed his report with the Supreme Court. His recommendation is that Chicago must be ready to dispose of its own sewage by artificial means in nine years, and that thereafter a diversion of not over 1,500 cubic feet per second be allowed. *U. S. Daily*, December 18, 1929.

²² 279 U. S. 438.

²³ 1 Peters 511.

Appeals. If the Court of Customs Appeals is a legislative court, then of course the tenure of the judges may be controlled by Congress instead of being governed by the life tenure provisions of Article III. But the fact that Congress did not see fit to establish term appointments for the judges does not mean that the court is a constitutional court, for its status is determined, not by legislative intention regarding it, but by the power under which it was created and the jurisdiction conferred upon it. Since the Court of Customs Appeals is a legislative court, it is immaterial whether the proceeding under the provision of the tariff act is a case or controversy within the meaning of the Constitution, since the limitations of Article III apply only to constitutional courts.

One point of interest in the opinion of the Chief Justice is his allusion to the case of *Miles v. Graham*²⁴ in discussing the status of the Court of Claims. *Miles v. Graham* applied to the salary of a judge of the Court of Claims the holding of *Evans v. Gore*²⁵ to the effect that the imposition of a federal income tax upon the salaries of federal judges is a diminution of compensation within the meaning of Article III. It would seem that the compensation clause of Article III could apply only on the assumption that the judge in question was a judge of a court established under the authority of that article. The Chief Justice does not attempt to resolve this apparent inconsistency, but merely says that the opinion in *Miles v. Graham* "does not show" that this court's attention was drawn to the question whether that court is a statutory or a constitutional court. . . . Certainly the decision is not to be taken in this case as disturbing the earlier rulings or attributing to the Court of Claims a changed status.

The difficulties of Mr. Sinclair did not end with the case which has been discussed above. A different sort of trouble was in store for him in *Sinclair v. United States*.²⁶ In October, 1927, he and Mr. Fall were placed on trial in Washington on a charge of conspiracy to defraud the government. As soon as the jury was sworn, Mr. Sinclair asked an associate of his, Mr. Day, to secure from the William J. Burns Detective Agency in New York the services of some fifteen detectives, under the supervision of a captain, to come to Washington to shadow the jurors and make a daily report upon their movements outside the court-

²⁴ 268 U. S. 501. See comment in this *Review*, vol. 20, p. 83.

²⁵ 253 U. S. 245. See comment in this *Review*, vol. 14, p. 641.

²⁶ 279 U. S. 749.

room. This was done with thoroughness and despatch. The jurors were followed about, without the knowledge of the court, of Mr. Sinclair's counsel, and in some cases of the juror himself. The detectives secured information about encumbrances on the home of one of the jurors, about the families and neighbors of others. There was no evidence that any juror was approached by any detective, or that any "contact," was made. In fact, the detectives' instructions seem to have precluded this. But one of the number produced a false affidavit which alleged that one of the jurors had had a conference out of court with one of the counsel for the government. Ultimately the situation was brought to the attention of the trial judge, who declared a mistrial. Sinclair, Day, and the two Burnses were thereupon charged with contempt of court arising out of these transactions, and Sinclair was sentenced to six months' imprisonment, Day to four months, and fines were imposed on the Burnses.

The case was brought before the Supreme Court upon certiorari and the convictions were sustained, save in the case of William J. Burns, against whom the evidence of complicity was inadequate. The defendants alleged that no contempt was committed, because no juror had been approached and there was no evidence to show that the surveillance influenced the mind of any juror so as to obstruct or impede justice. This defense was overruled. The test of whether a contempt tending to obstruct justice has been committed is to be drawn from the normal and usual tendency of the conduct under attack, and the Court points out that the mere suspicion upon the part of a juror that he was being dogged by a detective would "destroy the equilibrium of the average juror and render impossible the exercise of calm judgment upon patient consideration." The acts complained of were committed sufficiently near the court to fall within the statutory definition of a contempt. As the Court puts it, "there was probable interference with an appendage of the court while in actual operation; the inevitable tendency was towards evil, the destruction, indeed, of trial by jury." The defendants sought to be allowed to prove that the Department of Justice, in important cases, frequently had jurors shadowed, and that what was lawful for the government could not be held illegal for a private individual. The Court held that the refusal of the trial court to hear evidence on this point was correct. The Department of Justice "is not lawmaker and mistakes or violations of law by it give no license for wrongful conduct by others."

Wyoming established a highway commission with full authority over the construction and improvement of the highways of the state. The statute provided that the commission "shall have power to sue in the name of the State Highway Commission of Wyoming, and may be sued by such name in any court upon any contract executed by it." Five years later, the liability to suit was restricted to cases brought in the courts of the state. Before this change was made, the defendant in error, a Utah corporation, brought action against the commission in the federal district court on a contract. The petition alleged that the company is a citizen of Utah, that the commission and its members are citizens of Wyoming, and that more than \$3,000 is involved, so that the district court has jurisdiction upon the ground of diversity of citizenship. The Supreme Court held in *State Highway Commission v. Utah Construction Co.*,²⁷ that the suit is in reality a suit against the state of Wyoming, since the commission was "but the arm or *alter ego* of the state, with no funds or ability to respond in damages." No consent upon the state's part could affect the question of diversity of citizenship, since a state is not a citizen. No other ground of jurisdiction was asserted, and therefore there was no jurisdiction.²⁸

IV. STATUTORY CONSTRUCTION

1. *The O'Fallon Case*

The most conspicuous, and perhaps the most important, decision rendered during the 1928 term did not involve any constitutional question but merely a point of statutory construction. This was in

²⁷ 278 U. S. 194.

²⁸ The strictness with which the Court enforces the general principle of the immunity of the government from all liability for tort not voluntarily assumed by specific statute is emphasized in *Boston Sand and Gravel Co. v. United States*, 278 U. S. 41. A special statute allowed the plaintiff to sue the federal government in admiralty to recover damage for the injury to the plaintiff's boat which had been run into by a United States destroyer. It instructed the Court to determine the whole case "upon the same principle and measure of liability with costs as in like cases in admiralty between private parties." While admittedly the plaintiff could have collected interest on the damages against a private defendant, and while the government itself could similarly collect interest had it incurred the loss, the Court holds that the plaintiff is not entitled to the interest. This result is based upon the long continued statutory policy of the government in such cases, which the Court believes must compel a strict construction of the present statute against the plaintiff's claim. Four justices dissented in a strong opinion urging that the present statute should be enforced "according to its plain terms."

the O'Fallon case,²⁹ in which, by a five to three decision, the Court set aside an order of the Interstate Commerce Commission placing a value upon the O'Fallon road as a basis for the recapture of excess earnings under the Transportation Act of 1920. The Commission's method of computing this value was held to violate the direction laid down by Congress and by the Court. Since it was the method by which the Commission was proceeding to value all the railroad properties of the country, the importance of the case is at once apparent.

The act of 1920 authorized the recapture by the government of one-half of the net earnings of any railroad in excess of six per cent upon the ascertained value of the property devoted to public service. The Interstate Commerce Commission was ordered to determine the value of railroad property as the base upon which these earnings should be computed. This it is to do "from time to time," and as often as necessary. In determining this value, it is directed by the act to "give due consideration to all the elements of value recognized by the law of the land for rate-making purposes, and shall give the property investment account of the carriers only that consideration which under the law it is entitled to in establishing values for rate-making purposes."

In pursuance of this provision, the Commission placed a value on the property of the O'Fallon road, a railroad with less than nine miles of main track, constructed before 1900, with five locomotives, operating largely with second-hand equipment, and dependent for most of its traffic on the output of a few coal mines. The value set was under one million dollars. The Commission ordered, on this basis, a recapture of excess earnings made during the years 1921 to 1924. The present case is brought to set aside this order.

The only question is whether the Commission properly valued the road. The method of valuation employed seems to have been substantially as follows. The Commission found what it would have cost to reproduce the road in 1914. It then computed the actual cost of additions and improvements since that time and deducted for depreciation. It valued the land at present prices. The Commission, however, declares in its order that it reached its valuation figures, "not by the use of any formula, but after consideration of all relevant facts."

The majority of the Court, in a brief opinion by Mr. Justice McReynolds, held that the Commission is required by the statute to give

²⁹ *St. Louis and O'Fallon R. Co. v. United States*, 279 U. S. 461.

"due consideration" to "the present cost of construction or reproduction," since this has been repeatedly held by the Court to be an essential element of railroad property value for rate-making purposes. The Commission in its report "carefully refrains from stating that any consideration whatever was given to present or reproduction costs;" the dissenting members of the Commission state that such reproduction costs were not considered; and the majority report seems to bear this out. The Commission was ordered by the statute to give due consideration, in valuing the properties, to "all elements of value recognized by the law of the land for rate-making purposes." One of these elements the Court has held to be present reproduction cost. This it seems not to have considered. Therefore its order, based on a valuation improperly arrived at, must be set aside.

The decision in the O'Fallon case has been most bitterly attacked. No more effective criticism of it will be found than in the very long dissenting opinion of Mr. Justice Brandeis and the short dissent of Mr. Justice Stone, in both of which Mr. Justice Holmes concurred. The substance of this criticism is that the Commission was not obligated to make reproduction costs the sole, or even major, element in determining value—that it was required merely to give such costs "due consideration," which implied a wide discretion as to the weight, if any, they should bear under all the circumstances. An elaborate résumé of legislative history is made to show that this is what Congress intended. It seems clear that the Commission did give "due consideration" to reproduction costs, although it did not use them, and severely criticized their use, as an exclusive measure of value. If used as the sole measure of value, the railroads of the country in 1920 would have been valued at some forty billion dollars, an amount far in excess of what they could possibly earn a fair income upon. But if the Commission does not have to use reproduction cost as the sole measure of value, and it be admitted that it did, in its report, pay some attention to those costs, but not enough, then how much weight is it obliged to allow them? And herein lies the most vulnerable aspect of the majority opinion, that it leaves this vital question unanswered. No one seems to know what it means. The Commission is forbidden to proceed along the line pursued in the O'Fallon case, but is left without any definite plan to follow in the future.

One cannot help agreeing with the opinion expressed by Mr. Justice Stone that "had the Commission not turned aside to point out in its

report the economic fallacies of the use of reproduction cost as a standard of value for rate-making purposes, which it nevertheless considered and to some extent applied, I suppose it would not have occurred to anyone to question the validity of its order." Whatever uncertainties may have been injected into the valuation situation by this decision, we are at least fairly certain that it is unsafe for an administrative commission to try to criticize the economic theory of the Supreme Court, especially when that economic theory has become part of "the law of the land."

2. *Naturalization*

The case of *United States v. Schwimmer*³⁰ upheld the denial of citizenship papers to a highly educated Hungarian woman, over fifty years of age, who is an outspoken pacifist, and who is willing to take the oath of allegiance only with the reservation that she would never personally take up arms. The statute requires an oath from the applicant for citizenship "that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same."³¹ Mrs. Schwimmer declared her willingness to assume every obligation of American citizenship except that of fighting. If American women should be asked to fight, she would refuse, not because of sex or age, but because of conscientious objection to war. She is a lecturer and writer, and has used, and intends to continue to use, her influence for the abolition of war. The Court, speaking through Mr. Justice Butler, held that she was properly denied citizenship. It is the duty of citizens to defend the government, by force of arms if necessary. Such defense is imperilled by the influence of conscientious objectors and others who teach that one should not fight. The influence of Mrs. Schwimmer would weaken our national defenses; her views indicate an inability to swear whole-hearted allegiance.

Mr. Justice Holmes dissented briefly. He failed to see how her unwillingness to fight affects her oath, since she would not be allowed to fight if she wanted to do so. The fact that she desires to change our government by making war impossible shows no want of attachment to the Constitution. "I suppose that most intelligent people think in [the Constitution] might be improved. Her particular improvement

³⁰ 279 U. S. 644.

³¹ Naturalization Act of June 16, 1906, 34 Stat. at L. 597; U. S. Code, title 8, sec. 381.

looking to the abolition of war seems to me not materially different in its bearing on this case from a wish to establish cabinet government as in England, or a single house, or one term of seven years for the President. To touch a more burning question, only a judge mad with partisanship would exclude because the applicant thought that the Eighteenth Amendment should be repealed." The optimistic view of Mrs. Schwimmer that war will ultimately disappear does not make her a worse citizen. One of the principles of the Constitution is that of freedom of thought—"not free thought for those who agree with us but freedom for the thought we hate." The Quakers have done much for the country; many citizens agree with Mrs. Schwimmer's views; "and I had not supposed hitherto that we regretted our inability to expel them because they believe more than some of us do in the teachings of the Sermon on the Mount."

V. TREATIES

*Karnuth v. United States*³² involved the right of the federal immigration authorities to exclude from this country Canadians who had been in the habit of coming across the international boundary daily in the course of permanent employment. An order of the department had put a stop to this. The order was attacked as a violation of the Jay treaty of 1794, which guaranteed to British subjects and American citizens the right freely to cross the border. It was also urged that Canadians employed on this side fell within the clause in the Immigration Act of 1924 excepting from exclusion, save under quota, aliens visiting the United States "temporarily for business or pleasure." On appeal from the district court, the Circuit Court of Appeals held the departmental order of exclusion void. At first, the petition for review by certiorari in the Supreme Court was denied.³³ Later, the vast importance of the question in its effect upon our whole immigration policy was presented to the Court and a certiorari issued.³⁴ The Supreme Court sustained the order of exclusion. The alleged conflict between such a regulation and the Jay treaty was carefully examined. It was held that the clause for mutual free crossing of the border was of a nature incompatible with a state of war, and must be deemed to have been abrogated by the War of 1812. In view of the

³² 279 U. S. 231.

³³ 278 U. S. 607.

³⁴ 278 U. S. 594.

known purpose of Congress in passing immigration laws to protect American labor from alien competition, the Court also held that the term "business," in the clause allowing aliens to enter "temporarily for business or pleasure," must be held to mean intercourse of a commercial character and not the performance of labor for hire.³⁵

B. QUESTIONS OF STATE POWER

I. FOURTEENTH AMENDMENT

1. *Due Process of Law*

a. *The Police Power.* A Pennsylvania statute of 1927 provided that every pharmacy or drug store shall be owned only by a licensed pharmacist, and that in the case of corporations or partnerships all the partners or members shall be licensed pharmacists, except that drug corporations and partnerships now lawfully doing business in the state may continue to do so on the present basis. The Liggett corporation, chartered in Massachusetts, already owned numerous drug stores in Pennsylvania, but after the passage of the act it purchased two more which it proposed to run through pharmacists duly licensed by Pennsylvania. Not all of the members (stockholders) of the corporation were registered pharmacists, and consequently the Pennsylvania state board of pharmacy refused a permit to carry on the business. The plaintiffs sought to enjoin the enforcement of the statute against them, on the ground that it violates the due process clause of the Fourteenth Amendment. The Supreme Court in *Liggett Co. v. Baldridge*,³⁶ holds the act void. Mr. Justice Sutherland, speaking for the Court, ob-

³⁵ A treaty between the United States and Japan authorizes Japanese citizens to carry on trade in this country and "to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects. . . ." This provision is construed by the Court in *Jordan v. Tashiro*, 278 U. S. 123, to include the operation of a hospital upon a business basis and the leasing of land for that purpose by a corporation composed of Japanese subjects. The secretary of state of California, who had refused to grant the corporate charter asked for on the ground that the alien land law of the state did not permit incorporation of respondents for the purpose named, is accordingly compelled by mandamus to do so. The Court holds that the treaty must be liberally construed to effect the purposes of the contracting parties, and that, so construed, a hospital operated as a business undertaking must be deemed to be included within the meaning of the terms "trade" and "commerce."

³⁶ 278 U. S. 105.

serves that the plaintiff's business is a property which cannot be arbitrarily controlled or burdened. The alleged justification for the act is that it promotes the public health. "The determination we are called upon to make is whether the act has a real and substantial relation to that end or is a clear and arbitrary invasion of appellant's property rights guaranteed by the Constitution. . . . What is the effect of mere ownership of a drug store in respect to the public health?" The Court sees no connection between the two. By longstanding regulations the public is protected against the dispensing of unwholesome or impure medicines, or the operation of drug stores by irresponsible and incompetent people. It has not been shown how the ownership of stock in a drug company by persons who are not pharmacists can affect the public safety or health. Chain drug stores have long existed owned by corporations whose stock is sold upon the exchanges and consequently falls into the hands of all sorts of people. No evidence has been shown that this has had any deleterious effect upon the public welfare. Consequently, the restriction is arbitrary and a denial of due process.

Mr. Justice Holmes (with Mr. Justice Brandeis concurring) dissented, upon grounds consistent with his well known philosophy of due process of law. While not necessarily holding that view himself, he says that it may reasonably be contended that there is a public interest in the relationship between the ownership of a business and its actual operation. If all the stockholders were druggists, they would scrutinize the business with a more intelligent eye than the casual investor, and the police power may legitimately demand this additional advantage of closer professional supervision.

In *Roschen v. Ward*³⁷ Mr. Justice Holmes, speaking for a unanimous court, held valid the New York statute of 1928 making it unlawful to sell spectacles, eyeglasses, or lenses for the correction of vision unless a duly licensed physician or qualified optometrist be in charge of and in personal attendance at the booth, counter, or place where such glasses are sold. The complainants alleged that they sold only convex spherical lenses, which merely magnify and can do no harm, that the cost of employing an optometrist would make the business unprofitable, and that the requirement of an examination is unreasonable and arbitrary. They also urged that the law is arbitrary in that it does not require an examination, but merely the presence of the optom-

³⁷ 279 U. S. 337.

etrust at the place of sale. The Court construed the statute to mean that the optometrist must actually examine the eyes of customers or determine that such examination is unnecessary. The opinion points out that sinister motives cannot be imputed to the legislature in passing the law, and that much good will be achieved if eyes are examined in many cases where they have not been. The balancing of the advantages and disadvantages is for the legislature and not the courts, and there is no denial of due process of law.

It seems obvious that the Supreme Court does not intend to have the generous decision by which it sustained the general features of a municipal zoning ordinance in the case of *Euclid v. Ambler Realty Company*³⁸ interpreted to mean that all municipal zoning ordinances are valid in their entirety. At the last term of Court it held, in *Nectow v. Cambridge*,³⁹ that such an ordinance, valid in its general scope and application, could not validly be applied to a particular piece of property in an arbitrary and unreasonable manner. A similar result is reached in *Seattle Trust Co. v. Roberge*.⁴⁰ The case arose from a petition to mandamus the defendant, the superintendent of buildings of Seattle, to issue a permit to the plaintiff to build in the "first residence district" a building to be used as a philanthropic home for the aged, to accommodate about thirty persons. The structure is to replace a smaller building now used for the same purpose. The "first residence district," one of six such districts created by the comprehensive zoning ordinance of Seattle, permitted in that district single family dwellings, public schools, churches, parks, playgrounds, an art gallery, and under certain restrictions other establishments necessary to the community life of the neighborhood. By a special amendment to the ordinance it was provided that a philanthropic home for children or old people might be erected in the district when the written consent of the owners of two-thirds of the property within four hundred feet of the proposed building had been obtained. The plaintiff did not secure such consent and the defendant refused to issue the building permit. The Supreme Court, speaking through Mr. Justice Butler, held the ordinance void in its application to the plaintiff, on the ground that the delegation of power to the property-owners involved, in making their consent necessary for the erection of the home, amounted

³⁸ 272 U. S. 365. See comment in this *Review*, vol. 22, p. 94.

³⁹ 277 U. S. 183. See comment in this *Review*, vol. 23, p. 90.

⁴⁰ 278 U. S. 116.

to a denial of due process of law. The facts disclose that the exclusion of the new home is not necessary to the general zoning plan. In fact, the ordinance implies the contrary by setting up a condition under which it may lawfully be erected. Nor is there any suggestion or evidence that the home would be a nuisance. The right of the plaintiffs to use their property for a legitimate purpose not inimical to the public welfare is made entirely subject to the consent of the nearby owners, who "are not bound by any official duty, but are free to withhold consent for selfish reasons or arbitrarily, and may subject the trustee to their will or caprice. The present ordinance is distinguished from the Chicago billboard case (*Cusack Co. v. City of Chicago*),⁴¹ which upheld an ordinance forbidding the erection of billboards in residence districts except upon the consent of the owners of a majority of the frontage in the block, on the ground that in that case there was warrant for the conclusion that the billboards "would or were liable to endanger the safety and decency of such districts."

There is no denial of due process in a municipal ordinance requiring that all tanks within the city limits for the storage of petroleum products or other inflammable liquids be buried at least three feet under ground. Exceptions were made for crude oil, fuel oil, and small quantities of gasoline, petroleum, etc. A master appointed by the court below had presented a careful report. From it the court found that large storage tanks were a fire menace, that the burying of such tanks in the city of Marysville was practicable without serious danger or loss, and that the burden on the plaintiff oil company was not greater than would be the case were they obliged to move their tanks outside the city limits, which under the police power might be required. Accordingly, the ordinance did not go beyond the limits of legislative discretion. This is the case of *Standard Oil Co. v. Marysville*.⁴²

No denial of due process of law nor burden on interstate commerce is involved in enforcing against an interstate railroad which crosses city streets an ordinance requiring a flagman to be on duty night and day to warn approaching traffic. This is true in spite of the fact that the company has installed a device cheaper and in some ways better than the old method, by which a light is automatically flashed at the side of the road and a bell is sounded when trains approach. Mr.

⁴¹ 242 U. S. 526.

⁴² 279 U. S. 582.

Justice Holmes, speaking for the Court in *Nashville, etc. Ry. v. White*,⁴³ says that "there is a marginal chance that occasionally a life may be saved" by the presence of the flagman, and therefore the legislation cannot be held "indisputably unnecessary and unreasonable."

b. *Taxation*. A Maryland statute required those who buy oysters and prepare them for market at a fixed place to take out a license fee, to turn over to the state annually ten per cent of the shells (to be removed by the state by August 20), or, at the discretion of the conservation department, to pay the equivalent in money. In *Leonard v. Earle*,⁴⁴ this law is held valid. It is a legitimate exercise of the power of the state to impose a privilege tax. There is nothing in the federal Constitution to prevent the collection of state taxes in kind. That the shells are needed as a means of replenishing the oyster beds gives the measure added force as a police regulation. There is no arbitrary classification and no interference with interstate commerce.

c. *Regulation of Public Utilities*. In *Williams v. Standard Oil Co.*⁴⁵ the Supreme Court applies the rule and philosophy of *Tyson & Bros. v. Banton*⁴⁶ to a Tennessee statute of 1927 fixing the price of gasoline. The act is held void as a denial of due process of law, on the ground that the business of selling gasoline is not "affected with a public interest." While the Court relies almost entirely upon the earlier opinion in the theater ticket case, one brief paragraph from Mr. Justice Sutherland's opinion may be quoted here. "Nothing is gained by reiterating the statement that the phrase ('affected with a public interest') is indefinite. By repeated decisions of this Court, beginning with *Munn v. Illinois*, 94 U.S. 113, that phrase, however it may be characterized, has become the established test by which the legislative power to fix prices of commodities, use of property, or services, must be measured. As applied in particular instances, its meaning may be considered both from an affirmative and a negative point of view. Affirmatively, it means that a business or property, in order to be affected with a public interest, must be such or be so employed as to justify the conclusion that it has been *devoted* to a public use and its use thereby in effect *granted* to the public. . . . Negatively, it does not mean that a business is affected with a public interest merely be-

⁴³ 278 U. S. 456.

⁴⁴ 279 U. S. 392.

⁴⁵ 278 U. S. 235.

⁴⁶ 273 U. S. 418. See comment in this *Review*, vol. 22, p. 92.

cause it is large or because the public are warranted in having a feeling of concern in respect to its maintenance." The Court does not find that the sale of gasoline is different from the sale of other commodities in such a way as to place it within the phrase "affected with a public interest."

The last part of the opinion is devoted to a most valuable discussion of the problem of partial invalidity of statutes. The statute in question, besides authorizing the fixing of prices, created a division of motors and motor fuels, with power to collect and record elaborate data regarding manufacture and sale of gasoline, freight rates, costs and expenses, price differentials, etc. It also forbade discrimination in price between persons or localities and prohibited rebating. It further stipulated that "if any section or provision of this act shall be held to be invalid this shall not affect the validity of other sections or provisions hereof." The Court is accordingly urged to leave in effect the provisions of the act except the price-fixing clause. The Court declines to do this, holding that the other sections of the statute have no independent purpose apart from the regulation of price. They hold, as they previously held in *Hill v. Wallace*,⁴⁷ that they are not bound by a legislative declaration of the separability of the parts of a statute. Without such legislative declaration, the presumption is that the statute is intended to be effective as an entirety. The legislative declaration destroys this presumption and sets up the opposite presumption of separability. But this presumption may be overcome by "considerations which make evident the inseparability of its provisions or the clear probability that the invalid part being eliminated the legislature would not have been satisfied with what remains." The Court finds that the statute is not in fact separable, and therefore holds it void. Whether the particular provision forbidding rebating and price discrimination might be held separable from the rest of the act, it is unnecessary to determine, since as applied to a business "not affected with a public interest" these provisions are void on the same grounds as the price-fixing clauses.

In *Lehigh Valley R.R. v. Board of Commissioners*,⁴⁸ an injunction was sought against an order of the commissioners requiring the railroad to eliminate two grade crossings and to substitute for them one overhead crossing at a cost to the company of \$324,000. This was attacked

⁴⁷ 259 U. S. 44.

⁴⁸ 278 U. S. 24.

as a burden on interstate commerce, a confiscation of property amounting to violation of due process of law, a denial of equal protection of law, and an impairment of the contract between the railroad and the state highway commission. The order was sustained. While negotiations had been going on between the highway commission and the railroad, beginning in 1922, and an informal agreement had been reached upon a plan for grade crossing elimination costing only \$109,000, no contract was actually made. Consequently no contract was impaired. Later additions to the improvement raised the cost to \$205,000, which was finally accepted by the railroad. The cheaper plan was disapproved by the board of public utility commissioners, on the ground that its execution would leave the highway under a railroad bridge with three six-degree curves inside half a mile and three depressions of five, seven, and ten feet. The roadways would be narrower and much less satisfactory. In short, the road was subjected to an additional cost of over \$100,000 in order to make the road straight and level. This additional burden is held by the Court, under all the circumstances, not to be arbitrary. Chief Justice Taft emphasizes that "unreasonably extravagant grade crossings are to be enjoined not only as violations of the Fourteenth Amendment but also as forbidden by the Transportation Act;" he admits that "the case before us is one which is near the line of reasonableness," but "we think it does not go beyond that line." There is no denial of due process of law on the ground that the order of the board was not directly reviewable by a court having jurisdiction to determine independently on the law and facts whether there was actual confiscation under the Fourteenth Amendment, since it appears that any order of the board can be reviewed by the state supreme court on certiorari and set aside if there is no evidence to support the order. Mr. Justice McReynolds dissented on the ground that "to permit the commissioners to impose a charge of \$100,000 upon the railroad under the pretense of objection to a six per cent curve in a country road is to uphold . . . a plain abuse of power."

Those who expected the Supreme Court to settle the question of the five-cent subway fare in New York—a question which has played a highly spectacular part in recent New York City politics—were doomed to disappointment. The Interborough, which was seeking authority to increase subway fares to seven cents, was told in substance by the Court, in *Gilchrist v. Interborough Co.*,⁴⁹ that it had sought its

⁴⁹ 279 U. S. 159.

relief there prematurely, that it had not exhausted its legal and administrative remedies in the state courts and before the state transit commission, and that no decision could be had on the merits of the question whether the five-cent fare was so confiscatory as to amount to a denial of due process of law. The record in the case is most voluminous, but the gist of the proceedings is as follows. The subway company applied to the state transit commission for permission to increase the subway fare. This was denied by the commission, on the ground that in view of certain contracts between the city and the subways the five-cent fare was guaranteed; and it instituted suit in the state court to prevent violation of the contract rate of five cents. This would have raised the question of the construction of the contract in the state court. It was not an action against which the company could secure injunctive relief, since it was merely a regular step in the direction of the adjudication of the questions which were moot. But the Interborough, not satisfied with this, brought its bill in the federal courts to restrain interference with the raising of the rate. The Supreme Court, with apparent relief, sent the case back to be worked through in an orderly and regular fashion.

A public utility seeking to have a rate set aside as confiscatory has the burden of proving clearly the value of the property upon which a fair return is sought. In *United Fuel Gas Co. v. Railroad Commission*,⁵⁰ a West Virginia corporation supplied the gas to consumers in Kentucky through a subsidiary Kentucky corporation. In order to prove the value of the West Virginia gas rights, so that a portion of it might be allocated to the subsidiary, the following method of valuation was employed. An estimate was made of the quantity of available gas in the lands, and a computation of the profits that would accrue if during the next eighteen years this gas were extracted, piped to a place in Pennsylvania where there was a market free from public regulation, and there sold at current prices. In addition, the West Virginia corporation made its earnings appear unduly low by a contract which unduly favored the subsidiary corporation, owned by the shareholders of the parent corporation. The Court held that neither resort to this device nor the employment of the method of valuation described could be made to prove that the rates fixed by the Kentucky railroad commission upon the sale of gas in that state were confiscatory. The valuation basis was held unsound, for it was made to

⁵⁰ 278 U. S. 300.

depend on an assumed earning capacity which was highly speculative, since there was no assurance that prices would remain free from public regulation for a long period, and that gas in the amount estimated could be sold at the stipulated price in a market not yet established, despite future inventions and improved business and manufacturing methods, etc.

d. *Civil and Criminal Procedure.* In *Manley v. Georgia*⁵¹ a statute which attempted to treat every bank insolvency as fraudulent and punish the president and directors unless they could convince the jury that the affairs of the bank had been "fairly and legally administered" was held wanting in due process because there is not sufficient rational connection between what is proved and what is inferred. Not all bank failures are of fraudulent origin, and the burden on the officers to disprove their guilt amounts to a serious invasion of their rights, particularly in view of the vague and general terms used to determine guilt or innocence. A very similar case is that of *Western & A.R. Co. v. Henderson*,⁵² in which a legislative presumption that any collision between a train and any person or vehicle is due to the negligence of the railroad is held wanting in due process for lack of a rational connection between the fact proved and what is inferred from it. The mere fact of a collision creates no greater presumption of negligence on the part of the road than upon the part of the traveler on the highway.

2. *Equal Protection of the Laws*

In 1923 a New York statute was passed directed against the Ku Klux Klan. It provided that any corporation or association which requires an oath as a condition of membership, other than a labor union or a benevolent order covered by the benevolent orders law, must file with the secretary of state a copy of its constitution, by-laws, oath of membership, roster of members, and list of officers. Any person becoming or remaining a member of such a society, with knowledge that these requirements have not been complied with, is guilty of a misdemeanor. Bryant was held under this act for belonging to and attending meetings of the Buffalo branch of the Ku Klux Klan, which he knew had failed to file the required data with the secretary of state. He sued out a writ of habeas corpus on the ground that the statute was unconstitutional, and although the record showed some vagueness in alleging

⁵¹ 279 U. S. 1.

⁵² 279 U. S. 639.

a federal question before the state courts, the Supreme Court, in *Bryant v. Zimmerman*,⁵³ held, over the dissent of Mr. Justice McReynolds, that a violation of the federal Constitution had been substantially pleaded, that the claim of federal right had been denied by the state court, and that the case was, therefore, properly before it on writ of error for review. It proceeded, accordingly, to a consideration of the merits. The act was attacked under all three clauses of the Fourteenth Amendment, but the Court rejected all three contentions. First, it reiterated the familiar doctrine that such a statute does not abridge the privileges and immunities of citizens of the United States, since the right to belong to a secret, oath-bound association, if it is a right of citizenship at all, is an incident of state, and not United States, citizenship. Secondly, the court finds no deprivation of liberty without due process of law. The requirements of the act are reasonably designed to give the state information necessary to its protection and useful to it "as a substantial deterrent from the violations of public and private right to which the association might be tempted if such a disclosure were not required." The requirement is not arbitrary or oppressive, "but reasonable and likely to be of real effect." Thirdly, the act does not deny the equal protection of the laws. This the Court felt was its most vulnerable point, and, speaking through Mr. Justice Van Devanter, it addressed itself to it with care and thoroughness. There is presented here an excellent summary of the tests which the Court applies to the question of equal protection, and the point is emphasized that classifications established by law need not be mathematically symmetrical, but that the legislature may validly "recognize degrees of harm, and may confine its restrictions to those classes of cases where the need is deemed to be clearest."

With this principle of flexibility of classification in view, the Court points out that the societies covered by the statute do in fact stand in a different relation to the public welfare from labor organizations or the benevolent orders, such as the Masons, Odd Fellows, Knights of Columbus, and Grand Army of the Republic. Quoting from the decisions of the state courts, it is stated to be "a matter of common knowledge that this organization functions largely at night, its members disguised by hoods and gowns and doing things calculated to strike terror into the minds of the people." The Court also relies upon the report of the hearings before the House committee which investigated the

⁵³ 278 U. S. 63.

Klan, and which established, "putting aside controverted evidence," that the Klan "was conducting a crusade against Catholics, Jews, and negroes and stimulating hurtful religious and race prejudices; that it was striving for political power and assuming a sort of guardianship over the administration of local, state, and national affairs; and that at times it was taking into its own hands the punishment of what some of its members conceived to be crimes." These attributes and activities provide a real and substantial basis for the placing of requirements upon the Klan not imposed upon the other societies. Consequently there is no denial of equal protection of the laws. Nor is there valid objection to the act on the ground that it applies only to societies or associations having twenty or more members. Numerical classifications are very common and are legitimate, unless palpably unreasonable, which this one is not.

An interesting problem of classification is involved in *Frost v. Corporation Commission*.⁵⁴ Under Oklahoma law, cotton gins are public utilities, the operation of which must be licensed by the state corporation commission upon a showing of public necessity. By an act passed in 1925, the commission is directed to license a gin to be run coöperatively without showing of public necessity when a petition therefor is presented signed by one hundred citizens and taxpayers. An act of 1917 authorized the establishment of non-profit coöperatives for purposes of "mutual help" of those engaged in agriculture and horticulture. An act of 1919 provided for the establishment of corporations to carry on agricultural and horticultural business upon a coöperative plan. These were to be profit-making enterprises, with provisions for setting aside of some of the revenue for educational purposes and the apportionment of the residue pro rata among the members. There were restrictions as to dividend rates and stock ownership. Frost secured a license to operate a cotton gin, presumably upon a showing of public necessity. Later, the Durant Coöperative Gin Company was organized under the act of 1919 and was given a license without showing public necessity, but in accordance with the act of 1925. Frost sought to enjoin the granting of the license to the company. The Supreme Court sustains his contention that he has been denied property without due process of law and denied the equal protection of the laws. It holds that the license granted to him is a franchise, and therefore a property right, and is exclusive against any person attempting to operate a gin

⁵⁴ 278 U. S. 515.

without a license or under a void license. The permit issued to the company is void because issued under a statute (that of 1925) which sets up an arbitrary classification in permitting the issuance of licenses to corporations without the showing of public necessity when such licenses are required of others. While admitting that coöperatives established under the act of 1917 might be validly licensed under the act of 1925, the majority of the Court do not believe that the coöperative profit-making corporations created under the act of 1919 are sufficiently distinctive in character and purpose to permit their valid exemption from the requirement of the showing of public necessity. In dissenting opinions by Justices Brandeis and Stone, concurred in by Justice Holmes, it is urged that the classification is valid in view of the unique character of the coöperative corporations, and that Frost is, in any event, not entitled to complain of a discrimination which does not injure him, since he has himself received his license.

II. CONTRACT CLAUSE

A modern version of the controversy involved in the famous Charles River Bridge Case,⁵⁵ decided in 1837, is presented in *Larson v. South Dakota*.⁵⁶ Larson secured from the county commissioners, upon payment for it, the exclusive term franchise to operate a ferry across the Missouri River in an area extending two miles in either direction from the landing point. Within the period of the franchise, the state constructed a free bridge across the river within the four-mile area, the result of which was, of course, to render the franchise and the plaintiff's investment under it substantially worthless. He alleged the impairment of the franchise contract. Speaking through Chief Justice Taft, the Court rejects his contention. Admitting that his franchise is a contract, it holds that the terms of it may not be enlarged by implication, and that an exclusive ferry franchise cannot be construed to cover all methods of travel and transportation across the water.

III. STATE POWER AFFECTING INTERSTATE COMMERCE

1. *State Police Power and Interstate Commerce*

A state police regulation purporting to effect the conservation of shrimp in Louisiana was held to impose an undue burden on interstate

⁵⁵ 11 Peters 420.

⁵⁶ 278 U. S. 429.

commerce. This is the case of *Foster-Fountain Packing Co. v. Haydel*.⁵⁷ Most of the shrimp caught on the Louisiana marshes are immediately taken by boat to Biloxi, Mississippi, where there are large canning factories. Here the heads and hulls are picked off and the meat is canned. The heads and hulls are usually thrown into the sea, but some are made into fertilizer. The Louisiana statute declares the shrimps to be the property of the state and grants to residents and corporations operating canning factories or drying platforms the right to take them. It makes it unlawful to export any shrimps from which the heads and hulls have not been taken. But unshelled shrimp may be shipped to any point within the state. Shrimps without heads and hulls may be shipped out of the state, but the heads and hulls must not leave the state, since they are declared necessary to the state as fertilizer or chicken feed. The Court had no trouble in finding that the alleged purpose of conservation involved in the statute was largely fictitious, as the value of the fertilizer made from the heads and hulls, and the local demand for it, is very trivial. The real purpose and effect of the act was to prevent the shipping of shrimp to the Mississippi canneries in the condition in which they were there demanded and to stimulate the local canning industry. The Court distinguished the present case from *Geer v. Connecticut*,⁵⁸ in which a state law was upheld which forbade the shipping of wild game outside the state when it had been killed in violation of state law. This was a genuine conservation statute which kept the local product at home. But the Louisiana act does not do this. It allows the shrimp to be shipped out of the state, but only under conditions which imperil the business of the Mississippi canneries.

2. *State Taxation and Interstate Commerce*

A Kentucky statute imposed a tax of three, and later five, cents upon all gasoline sold at wholesale within the state for "purpose of resale, distribution, or for use," and also upon all gasoline bought outside the state and resold or used within the state. In *Helson and Randolph v. Kentucky*,⁵⁹ it was held that this tax could not be collected from a ferry company engaged in an exclusively interstate business which bought its gasoline in Illinois but used 75 per cent of it in Kentucky in the conduct of its interstate business. Such a levy amounts to a

⁵⁷ 278 U. S. 51.

⁵⁸ 161 U. S. 519.

⁵⁹ 279 U. S. 245.

direct and unconstitutional burden upon interstate commerce. There is a careful review of the cases holding state taxes on interstate commerce void, and the present one is found to be within the general rules heretofore established. Justice McReynolds dissented without opinion, while Justice Stone, with whom Justices Holmes and Brandeis concurred, wrote a concurring opinion in which, while acquiescing in the result, he protests against "an interpretation of the commerce clause which would relieve those engaged in interstate commerce from their fair share of the expense of government of the states in which they operate by exempting them from the payment of a tax of general application, which is neither aimed at nor discriminates against interstate commerce."

An intricate case involving the meaning of "continuity of transit" in interstate and foreign commerce is that of *Carson Petroleum Company v. Vial*.⁶⁰ An attempt was made by the local tax assessor to tax oil owned by the plaintiff and stored in tanks waiting for export. All of the oil was brought into the parish from outside the state in tank cars and unloaded into the tanks, from whence it was loaded on tank steamers for shipment abroad. None was sold locally, nor did the oil remain in the tanks longer than necessary. The contention of the state that the unloading and reloading broke the continuity of transit and placed the oil temporarily under local jurisdiction was rejected by the Court. Earlier decisions have not been wholly consistent in dealing with this problem, but the Court finds a distinct tendency recently toward a liberal interpretation of continuity of transit, and accordingly holds the oil in this case free from local taxation.

The validity of state taxes imposed upon foreign corporations doing business within the state and engaged in interstate commerce was involved in several cases. The complicated facts involved make only a brief mention of the holdings possible here. In *Cudahy Packing Company v. Hinkle*,⁶¹ a license fee was imposed upon the foreign corporation, based upon its authorized capital stock, although a very small amount of its property was located in the state and only a small amount of business was done there. The fee was limited to a fixed maximum. This was held to be a burden upon interstate commerce. In *Great Northern Ry. v. Minnesota*,⁶² the state tax upon railroad property with-

⁶⁰ 279 U. S. 95.

⁶¹ 278 U. S. 460.

⁶² 278 U. S. 503.

in the state, measured by a proportion of gross earnings computed by the ratio of mileage within the state to that of the entire system, was held good, and the failure of the state to allow a deduction from such gross earnings of an amount represented by the income from a dock located outside the state was upheld. In *New York v. Latrobe*,⁶³ and *International Shoe Co. v. Shartel*,⁶⁴ franchise taxes upon foreign corporations levied upon non par value stock at a fixed rate were upheld against the objection that they are discriminatory or interfere with interstate commerce.

In *Hart Refineries v. Harmon*,⁶⁵ it was held that local refineries of gasoline are not denied the equal protection of the law by the imposition of an excise tax upon the sale of gasoline, when imported gasoline is allowed to be used in the state without the payment of a tax.

IV. MISCELLANEOUS STATE AND FEDERAL RELATIONS

The strictness with which the Court is disposed to apply the rule of immunity of federal bonds from state taxation is emphasized in the case of *Macallen Co. v. Massachusetts*.⁶⁶ The state law imposed upon all domestic corporations, "with respect to the carrying on or doing of business by [them], an excise" which included an amount equal to two and one-half per cent of their net income. Previously, "net income" had been defined by law to exclude interest on federal bonds and securities. This exemption is now removed and "net income" is made to cover interest, not only on federal bonds, but also on state and municipal bonds which were specifically made tax-exempt when issued. The plaintiff is a Massachusetts corporation owning large numbers of Liberty bonds, farm loan bonds, and also county and municipal tax-exempt bonds. It attacked the validity of the tax as an interference by the state with a federal power and instrumentality, and as an impairment of the obligation of the contracts under which the county and municipal bonds were issued. The defense of the state was that the tax was not upon the bonds, nor upon the income from the bonds, but was upon the privilege of doing business within the state, and was merely measured by the value of the corporation's property and income—a type of tax sustained by many decisions for a period of some

⁶³ 279 U. S. 421.

⁶⁴ 279 U. S. 429.

⁶⁵ 278 U. S. 499.

⁶⁶ 279 U. S. 620.

seventy years. The Court rejected the state's interpretation and found the tax invalid. It finds that the tax is in fact a tax upon the income from the bonds, and that the state has merely labelled it an excise tax measured by the amount of corporate income in order to enable it to do indirectly what it is not constitutionally able to do directly. This view is supported by the Court's interpretation of the legislative history of the tax. The tax on the income from the federal bonds is, therefore, void as a burden on the federal borrowing power, and the tax on the income from county and municipal tax-exempt bonds is void as an impairment of the obligations of contracts. Mr. Justice Stone, with Justices Holmes and Brandeis concurring, dissents on the ground that there was no intention on the part of the state to evade a constitutional restriction, and that the tax in this case is not different from others in which the state is permitted to tax the right to do business in accordance with the measure of property or income which is free from direct burden.

During the last few years, deer have increased in such numbers that they have injured young trees, bushes, shrubs, etc., on certain national forest and game preserves in Arizona. Accordingly, the Secretary of Agriculture authorized the killing of large numbers of deer and the shipment of their carcasses out of the state. This was done under authority conferred by statute. The plaintiffs, who were state officials, arrested the federal agents for killing the deer in violation of the state game laws and threatened to arrest and prosecute those who continued to do so. The government seeks an injunction to prevent this interference, and the Supreme Court upholds the injunction issued by the lower court on the ground that the power of the United States to protect its own property is beyond doubt and does not exist subject to the laws of any state. This is the case of *Hunt v. United States*.⁶⁷

⁶⁷ 278 U. S. 96. Those interested in the work of the Supreme Court for the 1928 term should read the excellent article by Professors Frankfurter and Landis, "The Business of the Supreme Court at the October Term, 1928," in 43 *Harvard Law Review* 33 (November, 1929). Attention may be called also to the forthcoming volume by Gregory and Charlotte A. Hankin, *The United States Supreme Court—A Review of the Work of the Supreme Court of the United States for the Year 1928-1929*, to be published by Legal Research Service, Washington, D.C.

LEGISLATIVE NOTES AND REVIEWS

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Recent Personnel Legislation. Practically all of the carefully considered personnel legislation of the last year or eighteen months has taken cognizance of the fact that, in the more populous jurisdictions at any rate, some better answer than the conventional civil service commission must be found for handling the administrative work entrusted to the central personnel agency, and to the further fact that a better division of the quasi-legislative, quasi-judicial, and strictly administrative functions between the personnel board or commission and the technical staff must be made. In legislating out of office four civil service commissioners (the fifth, at the request of the governor, resigned), New Jersey attacked the problem negatively; California and Wisconsin, in practically limiting the work of the board or commission to quasi-legislative and quasi-judicial functions, and placing the administrative function in an executive staff headed by a single officer, show the positive approach. Each of these three pieces of significant legislation is worth explaining briefly.

In New Jersey, the civil service commission, consisting of five members with overlapping terms, each paid \$3,500 (except the president, who received \$4,000), took upon itself wide administrative powers with regard to the cities, counties, and other political sub-divisions which by referendum have adopted the merit system. These various municipalities have been grouped into "zones," each under the general or detailed supervision of one of the five commissioners; and through a sort of gentleman's agreement, the full commission approved in a perfunctory fashion, with rare exceptions, whatever the commissioner in charge of a particular zone did or proposed. So far did the individual commissioners go in matters of administration, with regard to many things, that the central office at Trenton had no complete record of official actions taken.

The legislative commission—known commonly as "the probe commission"—which investigated the situation, condemned the zone plan in unqualified terms and proposed changes in the organization and administrative system. When the governor asked the five members

of the civil service commission to resign, one did so, but the other four refused. The legislature then passed an act vacating the offices, and a new commission was appointed, with the understanding that it would carry out the recommendations of the legislative investigation commission and, among other things, forthwith abolish the zone system. There is a general understanding, too, that the civil service law, which has been amended many times, is to be revised so as to make it understandable and to introduce and to give effect to a number of the modern conceptions and practices which have been developed in the last five years. It seems evident that New Jersey considers its experience with a civil service commission which exercises administrative functions highly unfortunate, that it is determined to place administrative matters in the hands of one chief executive officer with technical training; also that the civil service commission, if retained at all, will have its powers limited to quasi-legislative functions, such as the approval of rules having the force of law, and to quasi-judicial functions, such as making investigations.

In California the whole situation was different in that one member of the civil service commission gave full time to personnel work and acted as executive member, while the other two limited their activities to quasi-legislative and quasi-judicial functions. Dissatisfaction with the existing system was by no means as acute as in New Jersey, but there was a strong feeling that steps should be taken to coördinate much more closely the budget and personnel work and to use the information gathered by the personnel agency in carrying on the work of bettering the organization and procedure of departments and institutions. With the approval of the department of finance and the civil service commission, a law was enacted limiting the activities of the civil service commission practically to quasi-legislative and quasi-judicial functions, substituting for the executive member of the commission a personnel director (given reasonable assurance of permanent tenure), and making the personnel director the executive head of a division of personnel in the department of finance, with authority to carry on the administrative work as such. As the budget work is also done through a division in the department of finance, this organization, it was believed, would assure the proper coördination. In addition to handling personnel work, the division of personnel is to make studies intended to improve organization and procedure in departments and institutions.

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In Wisconsin the dissatisfaction with the old system arose from a variety of causes. The personnel system administered by the civil service commission did not provide at all for some personnel activities, such as control over annual and sick leaves, service ratings, hours of work, and attendance; did not include large parts of the state service; and in some respects was not of a character satisfactory to department and institution officers, the general public, or the civil service commission itself. In addition, the independent civil service commission, not really an integral part of the administration, but instead a sort of watch-dog to prevent political and other abuses, was not able to secure funds to carry on its work vigorously. The new law, effective last September, retains the civil service commission, but limits its activities to quasi-legislative and quasi-judicial functions; provides for a bureau of personnel in the executive department and a personnel director to be appointed by the governor and removed by him with the approval of the personnel board (the members of the old civil service commission and its chief examiner and secretary automatically, under the terms of the act, became respectively members of the new personnel board and the director of personnel); extends the jurisdiction of the bureau of personnel to practically all personnel functions for practically the whole state service (including legislative employees); and more than doubles the appropriations for the work of the central personnel agency.

The form of organization for the personnel agency adopted in California and Wisconsin is being watched closely by interested persons and a number of other jurisdictions. As has already been mentioned, similar legislation seems likely to be adopted in New Jersey. In Minneapolis, in Ohio, and in a number of other jurisdictions, there seem to be indications that the same type of legislation may be vigorously supported by powerful elements in the near future.

Duluth perhaps affords the most significant example of a different sort of attempt to make the work of the central personnel agency effective. As far back as 1913 that city established a central agency. But until a few months ago this agency did practically no work and as a rule utterly failed to function when personnel decisions were made. The situation was made acute, however, when two patrolmen were promoted to police sergeant without much regard to the procedure provided in the rules of the civil service board. A group who thought the promotions were based upon favoritism secured an in-

junction from the courts preventing the promotions and as a by-product raised the question as to whether the detailed rules of the civil service board were to be followed in handling personnel matters in general. The best way seemed to be to make the civil service board function. Through the coöperation of the board itself, the city council, and the Taxpayers' League of St. Louis county, the city service was classified, a compensation plan was worked out, a full-time secretary was employed, records and procedure were established, and rules generally regarded as the most complete and progressive in the United States were adopted. The city council, after serious and thorough consideration of the classification plan and the proposed rules, gave both its approval; and at the present time it is considering the compensation plan proposed. It is expected that the expenditures for the work of the civil service board for 1930 will amount to about \$4,500. Duluth thus becomes an outstanding example of a vigorous attempt in a relatively small city to make a central personnel agency function completely with the coöperation, understanding, and sympathy of the city council.

The creation of two legislative commissions in Massachusetts—one to work out classification and compensation plans for the fourteen counties of the state, and the other to inquire into the civil service law, rules, and regulations—seems likely to force serious consideration of the problems involved in providing a central personnel system for the state, for the counties, and for the cities and towns. In Massachusetts, more than in most states, the Commonwealth has reserved for or taken back to itself many of the functions commonly exercised through the county. As the salary of many county officials is fixed by statute through the state legislature, and as the legislature itself approves the budgets submitted by boards of county commissioners, the legislature created a special recess commission to investigate county salaries, to prepare classification and compensation plans for the various counties, and to submit its findings and recommendations to the legislature which meets in 1930. The commission to study the civil service law, rules, and regulations came into being because of dissatisfaction with some of the acts of the state civil service commission, which is the recruiting agency for the state service. All other personnel functions for the state service are exercised by the commission on administration and finance or by the department and institution heads. The commission is also the personnel agency for some eighty cities and

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towns. The state civil service commission has never had funds to carry on properly the activities given it by law; as to the cities and towns, it has not even ascertained and recorded the duties of positions, or made any attempt to classify positions in the various services. The work of the two legislative commissions is likely to result in an attempt to establish a unified personnel system for the state, the counties, and the cities and towns, and to show vividly and concretely the unsatisfactory conditions in the counties where no formal attempt is made to handle personnel matters in accordance with modern conceptions and standards.

Legislation in Minnesota makes acute the question of administration when small municipalities adopt for parts of their services a central personnel agency. The law authorizes the municipalities to adopt for the police and fire services the conventional civil service system, and such cities as St. Cloud, Thief River Falls, and Hibbing have established such systems for their police and fire services. At the present moment the authorities in these and other cities to whom is given the duty of administering the central systems are struggling with ways, means, and methods. The Civil Service Assembly of the United States and Canada has stated as its opinion that a central employment agency in the public service cannot be administered with technical competence for less than approximately \$5,000 a year—a sum which is far beyond the resources of St. Cloud, Thief River Falls, Hibbing, and other Minnesota municipalities which have taken advantage of the new law. No means of making the central employment system for the fire and police services technically effective has yet been proposed.

The North Carolina law, applying to the city of Charlotte only, is raising a storm of opposition. The law establishes a civil service board which not only has the usual powers, but which appears to be authorized to exercise a good deal of the authority which should properly be vested in the chiefs of the police and fire departments; in addition, the city council, instead of the city manager, selects the two chiefs. The purpose of this law seems to be, in effect, to remove the police and fire departments from under the city manager. The law has been vigorously denounced by City Manager Rigsby, and seems to be of the type which is generally opposed by personnel administrators and those interested in extending and improving the so-called civil service system. It is expected that both the executive council of the Civil Service

Assembly and the National Civil Service Reform League will, after careful consideration, prepare statements regarding this type of law which will brand it as an unwarranted distortion of merit principles and ideas.

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Public Utilities Legislation in 1929. The year 1929 was notable in public utilities legislation, not so much for new regulatory acts, but rather for legislation intended to clear the way for a serious, comprehensive, and more permanent revision of the whole body of laws relating to public control of utilities. Growing public criticism of the existing state of affairs in public utilities regulation reached the legislative halls in many states. On every hand was heard the criticism of the public service commissions for their failure to make utility rates reflect the decreasing cost of operation due to inventions, technological developments, and increased economies; and for their failure to constitute a public instrumentality capable of protecting the consuming public against the power and resources of the public utilities corporations.

The legislatures, also, were criticized for failure to extend the powers of the public service commissions to cover the activities of holding companies. According to W. A. Pendergast, chairman of the New York public service commission, the holding company is "one of the principal factors in financial control and management of the gas and electricity operating companies," and the charges for management imposed by the holding company "cannot help affecting rates, but the public service commission has never received authority to regulate such relationship." This fact was recently driven home impressively by the opinion of Attorney General Ward, of New York, in which he stated that the Niagara-Hudson Power Corporation is a holding company over which the public service commission has no jurisdiction.¹

The impatience of the public has increased also with the delays in the development of utilities enterprises, caused by partisan disputes and petty wrangling. There is pretty general agreement with Governor Roosevelt that "it is intolerable that the utilization of this stupendous heritage [water power] should be longer delayed by petty squab-

¹ *New York Times*, July 9, 1929, p. 31.

bles and partisan disputes."² The desire to cease temporizing and to find a more durable solution of the problem of public control of utilities led, in 1929, to the appointment of special investigating commissions by the legislature in at least three states, namely, New York,³ Massachusetts,⁴ and South Carolina.⁵

The New York legislature provided for the appointment of a temporary commission of nine members whose duties are to "survey, examine, and study public service commission laws of this and other states," in order to determine "whether the public service commission law of this state accomplishes the objects for which the system of state regulation was established," and "what amendment or revision of the public service law is essential to guarantee to the public safe and adequate service at just and reasonable rates, to the stockholders of public service corporations a fair return upon their investment, and to bondholders and other creditors protection against impairment of the security of their loans; to recommend to the legislature remedial . . . legislation . . . ; to formulate and prepare . . . a draft of any proposed legislation which may be recommended by it."⁶ The commission consists of the temporary president of the senate and two members appointed by him, the speaker of the assembly and two of his appointees, and three members appointed by the governor.⁷ It was authorized to report not later than March 1, 1930, and was granted \$40,000 for expenses.⁸

It seems that the legislature hoped by creating such a commission to break the deadlock between the Republican legislature which desires immediate lease of water power resources for private development and the Democratic governor, who, through his control of the personnel of the Water Power and Control Commission, continues to refuse approval to applications for private development.⁹

In his message to the legislature advocating the appointment of a non-partisan commission to inquire into the public service law, Gov-

² F. D. Roosevelt, Inaugural Address, *New York Times*, Jan. 2, 1929, p. 2.

³ New York, *Laws*, 1929, Ch. 673.

⁴ Massachusetts, *Acts and Resolves*, 1929, Ch. 55.

⁵ South Carolina, *Acts*, 1929. Concurrent Resolution No. 601.

⁶ New York, *Laws*, 1929, Ch. 673, Sec. 3.

⁷ *Ibid.*, Sec. 1.

⁸ *Ibid.*, Secs. 6-7.

⁹ A. Blair Knapp, *The Water Power Problem in New York State* (Manuscript, p. 61).

ernor Roosevelt urged that the inquiry be made "broad enough to shed light on the practicability of applying the *contract* principle more generally in fixing fares and rates."¹⁰ In a message accompanying his approval of the bill, he expressed the hope that "the survey would be instrumental in recommending legislation to provide for a more effective and just regulation of public service corporations and allied companies." He offered the additional opinion that "the theory of twenty years ago that the return to public service corporations should not exceed a fair profit on money *actually invested* is constantly and flagrantly violated. Some method must be found to return to the original principle."¹¹

The legislature of Massachusetts likewise provided for the appointment of a commission of investigation to survey the state system of utility regulation. It is authorized to investigate and report on the control of domestic public utilities corporations by means of stock ownership or otherwise. It is instructed to discover the amount paid in acquiring such ownership, the securities issued against such ownership, and the returns from the investment; also to discover whether corporations or individuals acquiring such domination have "also acquired any interest in any publishing or other enterprise in the commonwealth." The contractual relations between subsidiary companies and the controlling company are also to be investigated. The conduct of municipal lighting plants and their relations with private corporations is still a further subject for investigation. The commission is authorized to hold hearings and collect data, with the power

¹⁰ *New York Times*, March 26, 1929, p. 19.

¹¹ *Ibid.*, April 17, 1929, p. 4. The personnel of the committee appointed to conduct the investigation is as follows: Senator John Knight, chairman (Rep.); Assemblyman Horace M. Stone, vice-chairman (Rep.); David Adie, secretary (Indep. Rep.), appointed by governor; Senator Warren T. Thayer, chairman senate public service committee (Rep.); Senator William J. Hickey, member senate public service committee (Rep.); Assemblyman Joseph A. McGinnis, speaker of the assembly (Rep.); Assemblyman Russel G. Dunmore (Rep.), leader of the assembly; Professor J. C. Bonbright, Columbia University (Independent), appointed by governor, and Frank P. Walsh (Dem.), appointed by governor. Col. William J. Donovan, of Buffalo, was appointed consulting attorney, and under his direction a fact-finding staff has been selected to assist in the investigation. This staff is headed by Dr. W. E. Mosher, of the School of Citizenship and Public Affairs of Syracuse University. The work performed to date (Nov. 30) gives promise of at least bringing together, in a non-partisan way, a vast quantity of important information of great interest not only to New York but to every state in the Union.

to summon witnesses and take testimony under oath. Of the members, who are unpaid, one was appointed by the president of the senate, three by the speaker of the house of representatives, and three by the governor.¹²

The legislature of South Carolina authorized the appointing of an investigating committee "to study the question during the year and report at the next session of the general assembly whether or not it will be wise to have a thorough investigation made as to the rates of all power companies furnishing light and power in this state. . . ." The reason for the appointment of the committee was that "there has arisen some question as to the fair, equitable, and reasonable return being allowed to public utilities companies in this state for electrical service." The committee consists of a member appointed by the president of the senate, one by the speaker of the house, one by the chairman of the railroad commission, and one by the governor.¹³

The general demand for strengthening the position of the public service commissions through the extension or clearer definition of their powers and jurisdiction, and through provisions for a more adequate staff, found little response in most states during 1929. A few outstanding exceptions, however, should be noted. The title of the public utilities commission of Kansas (created in 1911) was changed to that of "public service commission." Authority to appoint the enumerated subordinates was granted to the commission, with the further worthwhile provision that the commission may employ additional accountants, engineers, etc., "as is necessary to carry on its work. The orders of the commission were safeguarded by the provision that appeals for review by a court "shall not in itself stay or suspend the operation of any order or decision," and that the court in its discretion may stay

¹² Massachusetts, *Acts and Resolves*, 1929, Ch. 55. The commission's hearings have brought out clearly the opposition in Massachusetts to the "reproduction-cost-new" theory and to the increasing influence of holding companies. According to Commissioner Goldberg, "public opinion in Massachusetts would demand public ownership of utilities if the decision of the Supreme Court set aside legality of the present system of rate determination based on *actual stockholders' investments* rather than on reproductive costs." With regard to holding companies, the same commissioner stated that "holding companies are likely to be essentially interested in boosting the market price of their shares and consequently in securing large immediate returns rather than in following a conservative, long pull policy." *Boston News Bureau*, Nov. 26, 1929, p. 5.

¹³ South Carolina, *Acts*, 1929. Concurrent Resolution, No. 601.

or suspend the order only in case evidence shows "that great and irreparable damage would otherwise result."¹⁴

The commission in New Hampshire was given the authority to call into its service the attorney-general "in any action or proceedings before it . . . to protect the interests of the people of the state or any subdivision thereof."¹⁵

Jurisdiction over motor carriers was granted to the commission for the first time or increased in the following states: Florida,¹⁶ Idaho,¹⁷ Iowa,¹⁸ Missouri,¹⁹ New Jersey,²⁰ Nevada,²¹ New Mexico,²² Ohio,²³ Oregon,²⁴ South Carolina,²⁵ Tennessee,²⁶ Texas,²⁷ Utah,²⁸ and Wyoming.²⁹ In a majority of instances the state commissions were given the authority to supervise and regulate motor carriers with regard to rates, quality of service, safety devices, accounting, reporting, and capital issues. "Certificates of convenience and necessity" were required in most states before motor carriers could operate.

Ambitious attempts to further public ownership and operation were made in a few instances. The most noteworthy example was the legislation of Nebraska,³⁰ authorizing the creation and incorporation of hydro-electric power districts. Hydro-electric districts may be formed by a petition to the district court of twenty-five per cent of the electors of one or more incorporated cities or villages, or of the inhabitants of a rural district. The court, after a hearing, decides as to the "public convenience and welfare of the project. The administration of a district is entrusted to a board of five directors, who are elected by popular

¹⁴ Kansas, *Laws*, 1929, Ch. 259.

¹⁵ New Hampshire, *Laws*, 1929, Ch. 144.

¹⁶ Florida, *Acts*, 1929, Vol. I, p. 349.

¹⁷ Idaho, *Laws*, 1929, Ch. 267.

¹⁸ Iowa, *Acts*, 1929, Ch. 133.

¹⁹ Missouri, *Laws*, 1929, p. 340.

²⁰ New Jersey, *Acts*, 1929, Ch. 638.

²¹ Nevada, *Statutes*, 1929, Ch. 51.

²² New Mexico, *Laws*, 1929, Ch. 129.

²³ Ohio, *Laws*, 1929, Sec. 614.

²⁴ Oregon, *Laws*, 1929, Ch. 394.

²⁵ South Carolina, *Acts*, 1929, No. 220.

²⁶ Tennessee, *Acts*, 1929, Ch. 76.

²⁷ Texas, *Laws*, 1929, Ch. 314.

²⁸ Utah, *Laws*, 1929, Ch. 94.

²⁹ Wyoming, *Laws*, 1929, Ch. 124.

³⁰ Nebraska, *Laws*, 1929, Ch. 104, replacing Ch. 108 of the *Laws* of 1927.

vote in the district. The district is a body corporate, with the "sole management and control of hydro-electric and auxiliary steam electric power . . . plants and transmission lines within or without said hydro-electric district now or hereafter owned or leased by said district." Power of eminent domain for the purposes of the district is conferred upon the corporation. The board of directors is authorized to determine rates and charges, engage managers and other employees, and fix their compensation. Bonds may be issued by the board upon the approval of sixty per cent of the qualified voters and subject further to the certificate of the auditor of public accounts as to their regularity and lawfulness. The function of such hydro-electric districts is to "construct, purchase, operate, and maintain the power plants and main transmission lines, leaving the distribution system of each urban and rural unit within its territorial limits to be established by said unit so far as is practicable."³¹ The plan seems to be the nearest approach in the United States to that of generation and transmission of electric energy in Great Britain under the Central Electricity Board.³²

The legislature of Kansas further protected municipally owned electric lighting plants against private competition in cities of over 110,000 population by making illegal an ordinance permitting a private plant to sell electricity to consumers unless the latter have been refused a supply from the municipal plant.³³

A public utility commission was created by an act of the Indiana legislature for cities of over 300,000 (Indianapolis), with the power of exclusive management, regulation, etc., of gas works, electric light works, and heating and power plants which the city now owns or may acquire in the future.³⁴

The Wisconsin legislature adopted one of four proposals of the League of Wisconsin Municipalities, in a joint resolution to amend the state constitution so as to permit bonds of municipalities, when secured by public utilities, to be issued outside of the five per cent debt limit. The resolution must again be passed by the legislature

³¹ Nebraska, *Laws*, 1929, Ch. 104, Sec. 21.

³² The librarian of the Nebraska Legislative Reference Library informs the writer that as yet no districts have been created under either the law of 1927 or that of 1929.

³³ Kansas, *Laws*, 1929, Ch. 127.

³⁴ Indiana, *Laws*, 1929, p. 252.

(in 1931), and finally adopted by the people, before it becomes a law. The other three proposals in the interest of public ownership were defeated by the senate. They were: to permit the formation of electric light and power districts; to permit municipal competition with privately owned public utilities; and to amend the constitution to permit the recapture of water powers and the generation and distribution of electric energy by the state.³⁵

The problem of transmission of electric energy beyond state boundaries occupied the attention of the legislature in at least two states, New Hampshire and Maine. The New Hampshire legislature passed an act providing that any corporation engaged in the business of transmitting electric energy beyond the confines of the state shall discontinue such transmission whenever the public service commission shall find that such energy is required for use within the state.³⁶

The legislature of Maine submitted to referendum vote an act to permit the exportation of surplus power. Surplus power was defined as "hydro-electric power which . . . is in excess of the amount of power required to supply all reasonable demands" in Maine. Export of energy was limited to corporations especially organized for such purpose. No person, firm, or corporation generating electricity might sell energy to the exporting corporation without a permit from the public utilities commission, and not until a contract with the state of Maine to abide by the terms of the permit shall have been signed. Furthermore, a four per cent excise tax was to be levied upon the "gross operating revenue receipts" received from the sale of surplus power.³⁷

This partial repeal of the so-called Fernald law, which for twenty years has prevented the export of electric energy from Maine, was passed by both houses of the legislature by an overwhelming majority. The act, however, was defeated by the electors in September by a vote of 64,044 to 54,070. Thus a campaign for exportation of energy extending over almost a decade ended in failure.

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The Proposed Interstate Legislative Reference Bureau. Three states out of every four purport to maintain something in the nature

³⁵ John Bauer, "Public Utilities," in 18 *National Municipal Review* 716 (Nov., 1929).

³⁶ New Hampshire, *Laws*, 1929, Ch. 106.

³⁷ Maine, *Acts and Resolves*, 1929, Ch. 280.

of a legislative reference bureau. Some of these thirty-six bureaus are embryonic and others are vestigial, some were still-born and others have died. Many, however,—perhaps fifteen or twenty—are active and important, and the number of these is undoubtedly increasing. The American Legislators' Association proposes to maintain, as a part of its organization, a bureau which will be referred to as the Interstate Legislative Reference Bureau. Incidentally, this distinction in name has been suggested in order that state appropriation bills may make it clear that state funds are to be devoted solely to this department of the Association's work.

This proposed bureau will undertake to keep track of the research work of each legislative reference bureau. It will maintain a topical card index, showing each study of importance on which any bureau has completed a report, as well as each study which is in progress. Whenever the Interstate Bureau learns that any state bureau is undertaking a study of a particular legislative problem, it will, upon its own initiative, prepare and send to that bureau a brief memorandum showing what reports on the same subject have already been prepared by other legislative reference bureaus, and also giving a list of the other bureaus which are studying the same question. Such data will at all times be available upon request by the director of any legislative reference bureau.

The fulfillment of this project of the Legislators' Association will mean that whenever a legislative reference bureau is called upon to study a particular problem, it can begin work where the other bureaus left off, and that it can frequently have the benefit of expensive and laborious research, whereas, in the absence of a clearing house, the state bureau may devote weeks or months to duplicating the research which has been well performed elsewhere.

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NOTES ON JUDICIAL ORGANIZATION AND PROCEDURE

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Methods of Jury Selection. Only five years ago, a member of the bench was protesting that whereas "criticism of our courts has become so common that anyone with a pen or typewriter feels called upon to add his mite to the subject," still, "for some reason, perhaps for fear of being unpopular, very few have said anything regarding juries."¹ What a change has taken place! Today, baiting the jury is one of our safest, as well as most popular, pastimes. As stated by Dean Wigmore, "the issue stands thus: Shall jury trial be abolished? Or shall it only be reformed? No thoughtful person can be content to leave it as it is."² Abolition being beyond the realm of probability, the question narrows down to that of the improvement of the jury, which is primarily a problem of improving the methods of its selection.

I. THE EARLY JURY

Knowledge of the facts. Although to Blackstone the trial jury seemed "to have been coëval with the first civil government" of England, more scholarly research has shown it to be of Norman origin. Such research has likewise pointed out marked changes in the character of the jury itself. Whereas we think of it as a group of individuals having neither knowledge of the facts nor bias as to the parties, who are to hear the evidence and decide according to its weight, the early jurors were chosen because of their knowledge of the facts. They did not hear witnesses; they *were* the witnesses. Glanville tells us that the first function of the court was to ascertain, by their oath, whether any of the jurors summoned were ignorant of the fact in issue. "If there be any such, they are rejected and others chosen."³ How re-

¹ Judge K. E. Leighton, "How About The Jury?," 8 *Jour. Amer. Jud. Soc.* 246 (1924).

² "A Program for the Trial of Jury Trial," 12 *Jour. Amer. Jud. Soc.* 166 (1929).

³ *A Treatise on the Laws and Customs of England*, Bk. II, c. 17. See also *The King v. Edmonds* (1821), 4 B. and Ald. 471, 490, 106 Reprint 1009, holding

markably different is the situation today, when we have need of appellate decisions to settle the right of jurors to avail themselves of their "common knowledge and experience" in passing upon the question of whether a fact is logically deducible from the circumstances in evidence!⁴ And how strangely out of keeping is the Illinois decision, reversing the conviction of a forty-four-year-old confessed criminal of statutory rape because the only evidence showing that he was over sixteen years of age, aside from his confession, was the fact that the jury had seen him, and "the law does not allow the jury to fix his age by inspecting his person."⁵ One similarity, however, remains: except under extraordinary circumstances, the jury must be chosen from the county in which the crime was committed or the action brought.

Knowledge of the Field. Having abandoned the requirement that jurors should be personally acquainted with the facts of the case, the common law still clung to the desire to secure jurors whose special training and experience would fit them to decide the particular type of questions involved. The books abound in examples of such *special juries*, e. g., those of "cooks and fishmongers" to hear accusations of the sale of bad food, of "attorneys of Common Bench and Exchequer" to pass upon technical questions of law, of "matrons" to decide if a widow was with child. A similar desire for specialists is to be noted today in the civil law countries that have adopted the criminal jury. A few years ago, a murder case in which the defense was to be emotional insanity was before the French Court of Assizes. On the evening before the trial was to open the press announced that everyone would be pleased to hear that one member of the jury was to be a professor of diseases of the mind at the Collège de France, and one of the leading experts of the world in this field. If such a juror were called in an American court, he would be eliminated by challenge, since "the American jury lawyer, where insanity is an issue, does not want anyone on the jury who knows more of the subject than he does."⁶ The same is true in fields other than medicine, with the result that the special jury has long been moribund.

that "a knowledge of certain facts, and an opinion that those facts constitute a crime, are certainly no grounds of challenge."

⁴ *Burns v. U. S.* (C.C.A. Okla. 1922), 279 F. 982, 987. *Certiorari denied*, 257 U. S. 638. See also *Philadelphia, etc. R. Co. v. Berg* (C.C.A. Pa. 1921), 274 F. 534. *Certiorari denied* (1921), 257 U.S. 638.

⁵ *Winstrand v. The People* (1904), 213 Ill. 72.

⁶ 47 *Amer. Law Rev.* 149 (1913).

Selection. The early common law method of jury selection was simplicity itself. Jury lists, wheels, and commissions were unknown. Whenever a jury case was docketed, the court issued a writ of *venire facias* commanding the sheriff to summon the necessary jurors for a given time. This was universally what is now spoken of as an *open venire*, in that there was no prior selection of those to be summoned, the sheriff choosing whom he pleased and entering their names upon a *panel* (oblong piece of parchment) annexed to the writ. If the required number of jurors did not appear, or if any were excused, additional jurors were summoned in like manner. It was not until Parliament abolished a separate jury for each case and substituted a panel of from 48 to 72 jurors to try all causes during a given session that absolute control was taken from the summoning officer through a chance drawing of each jury from the larger panel.

The *special jury* soon crystallized into its modern form of a *struck jury*. As described by Blackstone,⁷ the clerk, in the presence of the parties, selected the names of 48 freeholders. Each party then *struck* [crossed out] the names of twelve, and the remaining twenty-four were returned upon the panel. By this time the motive for requesting such a jury was more often a desire to escape the absolute control of a biased sheriff than to secure a group of experts.

Whatever may be said for the effectiveness of the common law method of jury selection during the earlier period of its use, there can be no doubt that it outlived the period of its sufficiency. Blackstone praised it, to be sure, as "avoiding . . . frauds and secret management" through electing the twelve jurors by lot out of a panel chosen by an "indifferent officer." But what of the panel? And there was room for doubt as to the "avoidance of frauds and secret management" in the selection of the twelve,⁸ as well as to the "indifference" of the sheriff. The professional juror was an accepted fact.⁹ Packed juries were easily possible, which naturally caused a good deal of suspicion; and experience was even then showing that the personal followers of the sheriff are not always of the highest type. When Blackstone himself

⁷ *Commentaries*, Bk. III, p. 358.

⁸ The modern jury box was suggested by Bentham. See *Art of Packing Juries*, p. 238. Cf. *Benaway v. Coyne* (Wis. 1851), 3 Pinn. 196, where the common law was held to authorize the clerk to use slips of two colors, and to hold them in one hand as he drew them out with the other.

⁹ Special jurors, who received a guinea per case, were spoken of as "being concerned in the Guinea trade." Bentham, *op. cit.*, p. 33.

was forced to admit that "the general incapacity, even of our best juries, . . . has greatly debased their authority,"¹⁰ the seriousness of the situation was evident. "The administration of justice should not only be chaste, but (like Caesar's wife) should not even be suspected." The common law method of jury selection failed to meet this first requisite.

From the defects of the common law system, a few general requirements for a more satisfactory method can be drawn. First, it is not enough that the twelve be drawn by lot; the panel from which they are chosen is the key to the situation. If the quality of the jury is to be at all satisfactory, no one who fails to meet such tests as may be established should be allowed on the list from which the panel is drawn. This necessitates some sort of fact-finding machinery which will function in advance of the drawing of the panel. Finally, it may be laid down as a cardinal principle of justice in criminal cases that nothing should be left to the discretion of persons over whom the prosecution is likely to wield influence, which will generally include the sheriff.

II. THE JURY OF TODAY

Qualifications. Aside from a number of tests that will disqualify a given juror to sit in a particular case, such as relationship, bias, or knowledge of the material facts involved, qualifications for jury service are relatively simple. The lower age limit is generally twenty-one or twenty-five, the upper from sixty to seventy. Eligibility to vote is almost universally required,¹¹ and a property test may or may not be added. Unless there is a sex qualification,¹² the only other tests are generally those of "ordinary intelligence," "full possession of one's natural faculties," and ability to read, write, and understand the

¹⁰ *Commentaries*, Introduction, p. 8.

¹¹ New York provides that no one who has registered to vote shall be required to serve until all of the eligible non-voters have served. *Judiciary Law*, ss. 597-615. Opinion may differ as to whether this shows a regard for the citizen who goes to the polls on election day, or the extent to which jury service has fallen in the public eye. Other jurisdictions, through the use of registered voters' lists as the source of names for jury service, reverse the New York practice.

¹² Compare Louisiana, *Laws*, 1924, no. 19, s. 1 (no woman shall be drawn unless she files a declaration of desire); Wisconsin, *Laws*, 1921, c. 529 (no woman may be required to serve if she asks exemption when first called); *Laws of England, Supplement* (1929), s. 560 (the court "may . . . grant exemption by reason of the nature of the evidence to be given or of the issues to be tried," or he may

English language. Members of the leading professions, including law, dentistry, medicine, and teaching, are exempt from jury duty, together with public officials, firemen, national guardsmen, etc., the list varying from state to state and including many of those best qualified to serve. Although the qualifications are not high, their strict enforcement would greatly improve the character of juries in most jurisdictions.

Jury List. The first step in the selection of the jury is the preparation of a list of persons eligible for service. The names are secured in a number of different ways. Ordinary sources of information are the assessors' and poll lists, city directories, and, in a few jurisdictions, telephone directories and census reports. Most jurisdictions use only the first two, and many only one of the two. By eliminating persons who, from the information given, are known to be ineligible, a preliminary jury list is obtained.¹³ Of course the results are very inaccurate. The poll list does not give the occupation; the assessor's list omits age; the city directory, if one is available, and if it is not hopelessly out of date, does not tell whether the person is a qualified elector; none gives definite information as to literacy or mental and physical condition. Yet, strange as it may seem, most jurisdictions stop here, the number of candidates required—anywhere from a hundred to several thousand—being chosen more or less at random from the list so compiled and their names deposited in the jury wheel.¹⁴ Little wonder that when a panel is drawn many are found ineligible and the residue unsatisfactory!

Obviously, under such a system it matters little by whom the list is compiled. In Kansas, in first and second class cities it is prepared by the mayor, although "in many places it is said that they give the matter no personal attention."¹⁵ In two of the judicial districts of

order that the jury be composed of men or women only). Even where the law places men and women on the same footing, it is not always true that the selecting officers do the same, with the result that relatively few women actually serve. See Elizabeth M. Sheridan, "Women and Jury Service," 11 *A.B.A. Jour.* 792-797 (1925).

¹³ The law often provides that this list shall include the names of all who possess the necessary legal qualifications. Needless to say, this requirement is construed by the courts to be directory only, so that the incompleteness of the list does not invalidate it.

¹⁴ See below, note 26.

¹⁵ Judicial Council of Kansas, *First Report* (1927), p. 18.

that state it is made by the district judges themselves; but since they have "little more to indicate the qualifications of the persons for jury service than their names and places of residence,"¹⁶ little advantage in having the judge enter into the process can be seen. In fact, the Judicial Council feels that the third practice, under which the list is selected by the township trustees or deputy assessors, "who come in personal contact with the taxpayers of their districts in making assessments," is superior to either.¹⁷ From my own experience as to the value of this "personal contact," especially in urban districts, I can appreciate the Council's plea that since "none of these methods insures the proper selection of persons for jury service,"¹⁸ the law should be completely revised.

*Milwaukee Jury Commission.*¹⁹ In more progressive jurisdictions, where a jury commission or jury judge with investigative powers is employed, the list of eligible persons would only be a preliminary step in the preparation of a final list. The Milwaukee and Baltimore systems may be taken as typical examples of such methods at their best.

The Milwaukee commission consists of three electors chosen by the judges of the Circuit Court. Although appointments are for three years, the present commissioners have served for ten years, seven years, and one year, respectively, the newest member succeeding her husband, who had served for thirteen years. Starting with the poll lists, each name is checked against the city directory and the files of the commission to eliminate those who are exempt by occupation or prior service. Candidates are then selected at random from the various wards and notified by post-card to appear before the commission. If the card is ignored, a subpoena is issued. When those summoned appear, about sixty each evening, they fill out a short questionnaire giving information as to age, occupation, education, period of residence, interest in pending litigation, prior service, etc. This is done under the eye of the bailiff. Claims for exemption by way of occupation or sex²⁰ must be entered at this time; otherwise they are waived. Each candi-

¹⁶ Judicial Council of Kansas, *First Report* (1927), pp. 18-19.

¹⁷ *Ibid.*, p. 18.

¹⁸ *Second Report* (1928), p. 8.

¹⁹ The writer is indebted to Justice Oscar M. Fritz of the Supreme Court of Wisconsin, formerly presiding judge of the Circuit Court of Milwaukee, for this and other information.

²⁰ See above, note 12. About 90 per cent of the women candidates claim exemption.

date then appears individually before the commissioners, who ask further questions to test intelligence, mental alertness, hearing, eyesight, ability to understand English, etc. He is then excused, without being told whether or not he has been accepted. This will never be known by any but the commissioners until such time as he is actually summoned upon a venire. If not summoned, it may never be known.

*Baltimore Jury Judge.*²¹ The Supreme Bench of Baltimore has eleven departments, of which seven are ordinarily engaged in the trial of jury cases. Each year one member of the court is designated as jury judge, with the duties ordinarily devolving upon a jury commission, in addition to those of summoning and impanelling jurors. Once each year this judge devotes from three to four weeks in preparing the jury list. Candidates are summoned from the various districts, their names being picked at random from the tax lists of the county, to appear for examination on their choice of two or three named days. Upon appearance, they go through much the same process as in Milwaukee, including the filling out of a questionnaire, followed by an oral examination by the judge. When a sufficient number of candidates have been accepted, they are divided into groups according to the time of year in which they prefer to serve. Every three weeks 400 names are drawn by chance, and these candidates again appear before the judge, who selects 175, or twenty-five per court, as the panel for the period.

There seems little to choose between the Milwaukee and Baltimore systems from the point of view of efficiency. However, it is evident that were it not that the panel chosen by the Baltimore judge is to be divided by chance among seven judges, the wisdom of such complete control over the selection of the final panel might well be doubted. Others will be of the opinion that if the first examination is all that it should be, the second is merely a fifth wheel to the cart. There is also no reason why a jury commission should not be as efficient and impartial as a judge, leaving the latter free to spend more of his time in the trial of cases. But the facts being that many jury commissions are neither efficient nor impartial, many jurisdictions will find it to their advantage to copy the Baltimore rather than the Milwaukee system.

The Myth of the Jury Commission. No better illustration of the

²¹ The writer is indebted to Judge Walter I. Dawkins of the Baltimore Supreme Bench for much valuable material on the Baltimore system.

difference between "law in books and law in action" could be asked than the complete failure of many such commissions, no change from the older system being discernible save in the personnel of the group that copies names from the tax or poll list. In some cases the statute is at fault in not authorizing compulsory attendance for examination, but often the blame rests solely with the commission. The Illinois Crime Survey found that although the statute authorizes examination under oath, "the authority which it confers has never been exercised" in Cook county.²² The commission does mail out a short questionnaire to determine eligibility, but even this is turned against the purpose of the statute, offering a handy avenue of escape to the busy but desirable candidate. "Occasional investigation into the truth of the answers would probably accomplish some improvement," but even this is not done.²³ Many will agree with the conclusion that "if the commission would personally examine all veniremen before being turned over to the court it would substantially improve the quality of juries."²⁴ That is its sole excuse for existence.

Territorial Distribution of Jurors. It is not enough that the selection of jurors be without partiality or favoritism; it should be above suspicion of either. One of the best ways of attaining this end is to represent all classes of society. Under the Milwaukee system, this is done by apportioning the names deposited in the jury wheel among the various wards according to their voting strength. Of course this necessitates a little extra bookkeeping on the part of the commission and the examination of a larger number of candidates, a majority of those from the lower class wards often being unacceptable. In the end, however, without lowering the standard of eligibility, the necessary number is easily obtained.

It is much simpler to follow such a practice as that of the federal district court for Philadelphia, which selects its jury lists, without reference to place of residence, from names submitted by such "representative citizens" as congressmen, bank presidents, manufacturers, clergymen, and factory superintendents.²⁵ Although this method is remarkably fitted to secure intelligent jurors, it is likely to create a

²² *Illinois Crime Survey* (1929), p. 230.

²³ *Ibid.*, p. 230.

²⁴ *Ibid.*, pp. 230, 240.

²⁵ See Callender, *The Selection of Jurors* (1924), p. 44ff. Cf. the New York practice, *ibid.*, p. 53.

feeling of uneasiness and distrust among certain of the more restless elements of society. Many states, indeed, specifically prohibit the solicitation or submission of such recommendations. This appears to be wise, particularly in view of the fact that a satisfactory jury commission or jury judge will render them unnecessary.

Drawing the Panel. The jury list having been prepared, a definite number of names, varying from a hundred or so in some single-judge courts to several thousand in many cities, are deposited in the jury wheel.²⁶ Whenever a court needs a new panel of jurors an order is issued to the clerk to draw a given number of names from the wheel, and the persons so selected are summoned to appear for service. As names are drawn, others are added, so that a certain minimum is always maintained. In some jurisdictions each court has its own jury wheel, but the general practice is for all courts in a given city or town to draw from the same wheel.

Summoning Jurors. In the great majority of jurisdictions jurors are still summoned by a writ of *venire facias* directed to the sheriff. There would seem to be no reason for this, save that it has always been so.²⁷ The system is inefficient as well as costly, the proportion of names returned *non est inventus* [not found] often being large. The Illinois Crime Survey found that "deputy sheriffs frequently serve jury summons by leaving them in a mail box or under the door of the juror's supposed residence," and concluded that service by registered mail would have all of the advantages and few of the disadvantages of service by the sheriff.²⁸ This has been the experience of the courts now following the practice. Among other advantages, Chief Justice Powell, of the Cleveland Court of Common Pleas, states that "if a juror has changed his residence . . . the post office forwards the letter to him and we reach many in this way who could not be reached by service of the sheriff."²⁹ In addition, such evils as the excusing

²⁶ A jury wheel is merely a box so constructed that by turning it the slips are thoroughly mixed but the names thereon wholly concealed. Many jurisdictions use a "jury box" rather than a wheel. The distinction is unimportant, the sole function of either being to secure a fortuitous drawing.

²⁷ And, of course, it is an additional source of revenue to the sheriff, who is generally paid by fees.

²⁸ *Op. cit.*, p. 237.

²⁹ This court uses the ordinary post, registered mail being resorted to only when the juror ignores the first summons. The writer is indebted to Chief Justice Homer G. Powell for this and other information regarding the Cleveland courts.

of jurors by deputy sheriffs and charges of partiality in the returning of the panel are avoided.

Service by mail is a relatively new development and has been very favorably received. We may look for a rather rapid adoption of the practice as it is brought to the attention of other courts by our judicial councils, although in most states legislation will be necessary to allow its use. North Carolina has authorized summons by telephone as well as by mail;³⁰ but the writer is not informed as to what advantage has been taken of the statute. The telephone would seem to be a logical supplement to the post in many jurisdictions.

Excusing Jurors. If the method of preparing the jury list is a proper one, little remains to be done save to impanel those who have been summoned; otherwise the entire group must be examined to eliminate those who are not qualified. The court must also pass upon the claims of eligible candidates who insist upon exemption, in the course of which it becomes evident that next to paying taxes there is no responsibility of the citizen that seems so galling to him as the very thought of serving on a jury.³¹ Too many courts have adopted an automatic system of excuses by failing to do anything about the complete ignoring of a summons,³² which requires the summoning of an unnecessarily large number of jurors and reacts unfavorably upon the morale of those who are required to serve. If the panel is so reduced by excuses or other cause that additional jurors are required, they are generally chosen in the same manner, although the court may have power to issue an open venire to the sheriff, who chooses whom he will.

The shorter the period of service, the longer the period of exemption; and the more certain the ultimate necessity of serving, the fewer are the requests to be excused. Many courts are reducing the period of service to two weeks, not merely to lighten the burden but also because they feel that a more satisfactory juror is secured thereby.³³ At

³⁰ *Public Laws*, 1925, c. 98, p. 111; *Comp. Stat.*, s. 918.

³¹ Contrary to the common belief, there is nothing either new or startling in this attitude. See Pollock and Maitland, *The History of English Law*, II, p. 629.

³² Over 8 per cent of those summoned in 1927 in Cook county did not appear: *Illinois Crime Survey* (1929), p. 232. Such a condition is not peculiar to Chicago or the United States. See *Report of the Departmental Committee on the Law and Practice of Juries* (1913), I, pp. 27-8, published in *British Parliamentary Papers, House of Commons*, XXX.

³³ Many judges feel that when a juror serves for a longer period he is likely

the same time, the period of exemption following service is being increased from the customary one year to three, four, or even six years.³⁴ In Milwaukee, certainty of service is secured by substituting two jury wheels containing one thousand names each for the customary single wheel which may never be emptied. All juries are drawn from the first wheel until it has been exhausted, when the second is called into play and the first refilled. When the period for which the juror has been excused has expired, his name is returned to the wheel, from which it is certain to be drawn, although perhaps for a different court, at a future date. This divided wheel method has certain additional obvious advantages that should commend it to other jurisdictions.

Challenges: Voir Dire Examination. As each case is called, the names of all jurors who are present and not already engaged are placed in a box, and the first twelve drawn are presented to the parties for examination and challenge.³⁵ Challenges are spoken of as *to the array* (entire panel) or *to the polls* (individual juror). The former are based upon some serious irregularity in the selection of the panel, and their sole result is to delay the case until a new panel is summoned. Challenges *to the polls* may be either *peremptory* (without cause stated) or *for cause*, such as bias, relationship, or dealings with the parties, knowledge of the material facts of the case, or a lack of some legal qualification for jury service.

Perhaps no other single cause has had greater effect in bringing jury trial into disrepute than the abuse by counsel of the *voir dire* examination, which is the questioning of prospective jurors for the purpose of establishing grounds for challenge. Although the magnitude of this abuse has been over-emphasized, extreme cases are entirely too frequent;³⁶ and it is such cases that catch the public eye. Too frequently the questioning has no legitimate motive, but is purely for purpose of delay, or even to prevent the selection of really competent jurors.

The last few years have witnessed a decided change in attitude to become acquainted with attorneys and parties in such a manner as to form likes and dislikes which may impair his efficiency as an impartial juror.

³⁴ This is generally done by court rule rather than by statute. Milwaukee has adopted both the two-week period of service and the six-year exemption without handicapping the work of the jury commission in the least.

³⁵ This is the standard method. Others are discussed below.

³⁶ See *Illinois Crime Survey* (1929), p. 235; Kavanagh, *The Criminal and His Allies* (1928), p. 211; *State v. Welch* (1926), 121 Kan. 369, 374-5.

toward the proper degree of control by the judge. One of the first recommendations of the federal Board of Senior Circuit Judges was that the "examination . . . shall be by the judge alone. If counsel on either side desires that additional matter be inquired into, he shall state the matter to the judge, and the judge, if the matter is proper, shall conduct the investigation."³⁷ Such had long been the practice in many jurisdictions, and with the prestige added by the support of Chief Justice Taft and the senior circuit judges it has been adopted rather widely by federal courts. Granted proper confidence in the judge, there is no reason why the rule should not meet every possible requirement; and its efficiency cannot be doubted. But if any one is laboring under the illusion that this practice is about to become universal in our American courts, let him look into the results that followed its suggestion by the judicial council of Kansas for the courts of that state.³⁸ Before such a change can come about, there must be a wholesale repeal of statutes, and also the development of an entirely new attitude toward the proper function of the judge in the conduct of a jury case.

Many courts have adopted the practice of having the judge examine all prospective jurors, but allowing the counsel thereupon to ask such questions as may appear proper. This can be done without any change in the law, and its result is generally the same as under the rule suggested by the Board of Senior Circuit Judges. Chief Justice Powell states that in the Cleveland Court of Common Pleas, where this practice has been followed for some years, the usual time in qualifying a jury is from five to ten minutes. Under such circumstances, no attorney feels justified in conducting a fishing expedition, if for no other reason than because the reaction of the jurors toward this type of conduct would place him at a disadvantage. If the attorneys for *both* parties are required to question a given juror or waive examination before passing to another, an additional saving results in the elimination of the unnecessary repetition of questions.

³⁷ Recommendations of the Board of Senior Circuit Judges, 1923 and 1924, published in 8 *Jour. Amer. Jud. Soc.* 92, and in 10 *Amer. Bar. Assoc. Jour.* 875.

³⁸ *First Report* (1927), pp. 15-16; *Second Report* (1928), p. 7. Even the trial court judges of the state objected to the adoption of such a rule, and the council thereupon concluded that "perhaps if in each judicial district a procedure could be worked out that was adaptable to the peculiar conditions there existing, . . . it would be better for that to be done than for any of the suggested rules to be promulgated."

In the more important cases, particularly criminal prosecutions, each party is usually allowed a limited number of peremptory challenges. • The common law practice was to present the jurors one at a time, requiring each to be accepted and sworn or challenged before the next was called. This was a very serious limitation upon the right of peremptory challenge, for one could never tell but that the next to be called would be even less acceptable, particularly when the panel was exhausted and the court was forced to resort to talesmen.³⁹ Although many courts still follow this practice, it is a general rule today to secure twelve jurors unchallenged for cause before either party is called upon to exercise a peremptory challenge.⁴⁰ The court may ordinarily require the parties to exercise their challenges in any order it may see fit, although there is a growing tendency to require them to alternate, the plaintiff or prosecution challenging first. A more expeditious manner of handling peremptory challenges is provided by the modern *struck jury*, described below.

*Talesmen.*⁴¹ If the panel appears likely to be exhausted without obtaining a full jury, the court directs the summoning of talesmen, or emergency jurors who serve only for the particular case. At common law they were chosen by the sheriff, either from those present in court or from the county. Either practice renders it comparatively easy for interested and unscrupulous persons to get on juries, and although most jurisdictions still follow the common law practice, many now require talesmen to be named by the judge or chosen in the same manner as regular veniremen. Since many courts serve an extensive territory, the use of the regular jury wheel necessarily causes a good deal of delay, and a few courts now substitute a special *tales wheel* containing the names of persons living within a short radius of the court house.⁴² Even under the best systems yet devised, the most that can be said is that the use of the talesmen is an evil to be avoided. Milwaukee had a striking illustration of this in an important murder case, a talesman

³⁹ See below, note 41.

⁴⁰ In Illinois, jurors must be passed upon and accepted in panels of four. *Revised Statutes* (1927), c. 78, s. 21.

⁴¹ The term "talesman" is often used incorrectly to designate any person called for jury service. Throughout this article it is used in the more restricted sense of a person summoned to fill a deficiency in a particular jury.

⁴² South Carolina, *Code*, 1922, I, p. 215; Iowa, *Code*, 1924, s. 10859 ff. Cf. *State v. Dorsey* (1915), 138 La. 410. Iowa allows the same names to be used over and over, which is a poor practice.

who was accepted as a "perfect juror" turning out to have been coached for the *voir dire* examination.⁴³ Perhaps the summoning of talesmen by the clerk or the jury judge by telephone, instead of drawing four or five names for each one required and allowing the sheriff or his deputy to select "those most easily located," would remedy some existing evils.

Swearing the Jury. When the final juror has been secured, the clerk swears all twelve at once, unless the court has followed the common law practice of swearing each juror as he is accepted. The jury is then ready to try the case.

Struck Jury. Although in many states special juries are still provided for by law, they are virtually never used.⁴⁴ To the antipathy of the bench for the expert juror and the prohibitive expense involved in summoning separate jurors for each case must be added the practical difficulties illustrated by *Bruce v. Beall*, where the specialists in "iron and wire cables" summoned by the court "were each . . . found to have a good, valid reason to be excused from serving."⁴⁵ In our search for expert fact-finders we are turning to commercial arbitration and administrative justice, which would seem to be the logical solution.

The struck jury has been remodeled into a refined method of handling peremptory challenges, and in this form it is receiving wide acceptance. In the practice of the Baltimore Supreme Bench, twenty jurors are presented to the parties. The judge or clerk questions them, and if any are found disqualified they are replaced by others. Each party then strikes four from the list, and the twelve remaining are sworn to try the case.⁴⁶ In many jurisdictions all juries are chosen in this manner; elsewhere, as in Philadelphia, it is adopted at the request of either party. A fairer or more expeditious manner of handling peremptory challenges would be hard to devise, but as yet the plan does

⁴³ *Hedger v. The People* (1910), 144 Wis. 279, 298-9. In Milwaukee, talesmen are drawn from the regular jury wheel.

⁴⁴ This was true also in England, where the struck jury was finally abolished by the Juries Act of 1922. The English special jury of today is one chosen in the regular manner from those possessing a certain amount of property.

⁴⁵ 100 Tenn. 573, 575 (1898).

⁴⁶ Each party is given a list containing the twenty names and the striking is done in secret, the clerk striking additional names in case of duplication. Other courts conduct the striking in the same manner as peremptory challenges, the better practice being for the parties to strike alternately, the plaintiff first.

not appear to have been applied to the class of cases where the peremptory challenge is of greatest importance, i. e., the trial of felonies.

- Another modern use of the struck jury, where its purpose is more akin to that of Blackstone's day, is in the court of the justice of the peace. Since a jury is seldom required, no regular panel is in attendance, and until such time as the justice is authorized to borrow a jury from a neighboring court the only alternative seems to be to fall back upon common law methods. To prevent too great a degree of control from resting with the justice or the constable, it is commonly provided that the court shall present a list of some eighteen names to the parties, each of whom shall strike six, the remaining six being summoned as the jury for the case.⁴⁷ If talesmen are required, they are chosen in the same manner. Needless to say, the practice is not a satisfactory one.

III. COURTS IN CITIES

The most serious problems of judicial administration today are peculiarly city problems. This is particularly true of those centering about the jury system. It is in cities that the evils of the tales system, the defective functioning of the jury commission, and other deficiencies reach their height. This is needlessly so. The multi-judge court, when properly administered, is the most efficient court yet devised, and that this can be as true in relation to jury selection as to any other feature of court administration has been conclusively demonstrated in a number of jurisdictions. But it is necessary to abandon what Chief Justice Taft describes as our policy of requiring each judge to paddle his own canoe, and to adopt in its stead a policy of inter-judge and inter-court coöperation.

One of the most efficient methods of handling juries in a large court is in use in the Cleveland Court of Common Pleas. Only 24 more jurors than are needed to give each judge a jury of twelve are summoned on a given venire. These names, close to 200 in all, are placed in a jury wheel in charge of the assignment commissioner. When a case is called and sent to a given department for trial, 18 jurors, drawn from this wheel, accompany the parties.⁴⁸ The trial judge examines

⁴⁷ The size of juries in justices' courts has quite commonly been reduced to six.

⁴⁸ This court uses the master calendar system of assigning cases, but of course the same method of a pooled jury panel could be fitted to the standard system. For a description of the master calendar, see the writer's article on "The Judicial Council Movement" in the November, 1928, issue of this *Review*.

these on their *voir dire*, counsel being permitted to ask additional questions if they desire, and ineligible candidates are replaced by others. Each party then strikes three names, and the six whose services are not required return to the assembly room, their names being replaced in the wheel ready for the drawing of the next jury. If a jury is not secured from the first eighteen, additional names are drawn from the wheel.

The Cleveland method has a number of very obvious advantages. Fewer jurors are needed, yet talesmen are almost unknown. Jury tampering in advance of the trial is next to impossible. As one jury retires to consider its verdict another is chosen for the trial of the next case. Justice Fritz, under a similar scheme in Milwaukee, has on several occasions had two juries out deliberating while still another was hearing evidence in a third case; and the writer understands that similar experiences are quite common in Baltimore. When Presiding Judge Ward, of the San Francisco Superior Court, copied the Cleveland plan in 1925, in an attempt to enable his court to catch up with its work, the results were so striking that the system was adopted on a permanent basis, and it is now provided for in the rules promulgated by the judicial council.⁴⁹ The writer knows of no instance in which this practice, once adopted, has been abandoned.

Even without adopting the Cleveland plan, many of its benefits can be secured by a policy of coöperation, each judge feeling free to call upon any other department when additional jurors are required. This is now the accepted practice in New York, Los Angeles, and a number of other jurisdictions, although its legality was in serious doubt in earlier years. The California Supreme Court held that "for the trial of causes" the various departments were distinct courts, and that the only way any given department could secure additional jurors was to summon talesmen in the regular manner.⁵⁰ The Los Angeles courts, however, very sensibly refused to accept the decision as final and secured an amendment to the statutes authorizing the continuance of

⁴⁹ Rule 25 (5), adopted August 1, 1928; continued as rule 24 (5), February 1, 1929. The master calendar, together with the pooled jury, increased the efficiency of the court nearly fifty per cent. Judicial Council of California, *Second Report* (1929), pp. 36-7. The Chicago Municipal Court feels that at least \$30,000 a year is saved through its pooled jury reserve as against a separate panel for each judge.

⁵⁰ *The People v. Compton* (1901), 132 Cal. 484; *The People v. Wong Bin* (1903), 139 Cal. 60.

their practice of coöperation.⁵¹ Similar statutes have been adopted in many other jurisdictions, and a more sympathetic attitude on the part of many appellate courts has rendered them unnecessary in others.⁵² There would still seem to be some doubt as to the legality of such an interchange of jurors between distinct courts, rather than departments of the same court;⁵³ but in many jurisdictions this is likewise the established custom.

In conclusion, it should be pointed out that anyone who makes a study of the methods of jury selection now in use will be struck by the fact that the greatest advance has been made in those jurisdictions where the courts have been free to exercise a fair amount of control by court rules, rather than in those where they are bound down by detailed statutory provisions. This is particularly true where the courts are so organized as to have an effective administrative head, and where they have had the assistance of the research and exchange of ideas made possible by a conference of judges or a judicial council. The attention now being devoted by the latter bodies to the problem of jury trial is encouraging.⁵⁴ The most recent proposal, emanating from California, is that the selection, returning, summoning, drawing, and impaneling of jurors be regulated by rules adopted by the judicial council.⁵⁵ A provision to this effect in a bill presented to the legislature failed,⁵⁶ but it may pass at a future date. In that event, we can look to California for further refinements in our methods of jury selection.

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⁵¹ *Laws*, 190E, p. 680.

⁵² "There is but one criminal court of Cook county. All the jurors properly drawn and summoned . . . are eligible for service in any branch of the court . . . , and may be transferred from one branch to another as suits the convenience of the various branches of that court." *Winstrand v. The People* (1904), 213 Ill. 72, 77.

⁵³ See 35 *Corpus Juris* 291, which states unqualifiedly that "it is error to transfer jurors from another court." It appears, however, that there is little authority for this statement.

⁵⁴ See especially the *Second Report* (1929) of the California council and the *Second Report* (1928) of the Rhode Island council. The latter devotes about one-half of its entire report to jury trial.

⁵⁵ *Second Report* (1929), p. 95.

⁵⁶ Senate bill 84, as introduced. The bill passed, but the provision mentioned was dropped.

NOTES ON RURAL LOCAL GOVERNMENT

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Development of Newer County Functions. There has been a tendency in the United States for the state to assume functions which were formerly performed by counties. This may be seen in state institutions for the care of defective classes, as the deaf, dumb, blind, and insane. State systems of highways and state police systems have transferred in part the performance of these functions from county to state control. Other examples might be given. But as the state assumes the performance of some functions, newer activities are being undertaken and governmental services rendered by counties.

County libraries are among the newer county functions. They were first authorized by law in Indiana in 1816; the territory of Wyoming also passed a county library law in 1886. There was, however, no appreciable development of book service for rural areas under either of these laws. County libraries were authorized in Ohio in 1898; in Wisconsin in 1901; in Oregon in 1903; and in California in 1909. By 1925, county library laws had been passed in twenty-five other states,¹ although in some of these no libraries have actually been established. Since that time, county library laws have been passed in Arkansas and Nevada. While Oklahoma has no county library law, at least two counties are furnishing such service under a provision of the statutes

¹ Alabama, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi (only for certain counties), Missouri, Montana, Nebraska, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming. According to a bulletin published by the U. S. Bureau of Education in 1926, the number of libraries under county control having 3,000 volumes or over in 1923 was as follows: California, 38; Washington, 2; Oregon, 2; Wyoming, 12; Utah, 6; Montana, 7; Iowa, 1; Illinois, 1; Indiana, 8; Ohio, 5; Pennsylvania, 4; Massachusetts, 6 (law libraries); Connecticut, 2 (law libraries); New Jersey, 4; Maryland, 1; North Carolina, 1; South Carolina, 1; Tennessee, 1; Georgia, 1; Texas, 5. "Statistics of Public, Society, and School Libraries, 1923," *Bulletin, 1926, No. 9, United States Bureau of Education*. Also see William J. Hamilton, "County Library Laws in the United States," 45 *Library Journal* 727 (1920); Harriet C. Long, *County Library Service* (1925).

which stipulates that "county commissioners may contract for other public purposes."

The authority to establish a county library is usually vested in the county board. In some cases the board may establish such a county library when it sees fit, while in others it can do so only upon petition of a certain number or per cent of the taxpayers. In some states, as New York, Nebraska, and Texas, the county board may establish a county library only after a favorable vote of the electorate upon the proposition. The laws in most states provide for the appointment of a county library board in case a library is established; such boards, composed of three to nine members, are usually appointed by the county commissioners. In California, Montana, and Texas there is no county library board, the library being under the supervision and control of the county board.

Most states provide not only for the establishment by the county of a library but also that such service may be secured by contract with an existing library in the county. While this method is optional in most cases, three states (Iowa, Michigan, and North Carolina) provide for county library service by this method only.

The maintenance of hospitals has been a development of recent years in the field of county functions. Some provision for medical attention was early made in county almshouses. A number of almshouse hospitals date from the second quarter of the nineteenth century, and some of these have been made available to others than regular inmates. In 1872 New York authorized county and other local authorities to provide hospital treatment for indigent persons in existing hospitals; and in the same year California authorized boards of supervisors in each county to establish and maintain a county hospital.²

A more general movement for county hospitals has developed since 1900. County hospitals were authorized in Indiana in 1903 and in Iowa in 1909.³ Since that time they have been authorized in at least fifteen other states.⁴ By 1928, there were 489 county hospitals in the

² *N. Y. Laws*, 1872, ch. 733; 1901, ch. 103; *Kerr's Consol. Laws of N. Y. Ann.*, ch. 42, sec. 30; *Kerr's Codes of Calif., Pol. Code*, sec. 4223.

³ *Burns Ind. Stat.*, 1926, sec. 4363; Walter A. Dyer, "Putting Character into Counties," 30 *World's Work* 604-609 (1913); Walter C. Nason, "Rural Hospitals," U. S. Dept. of Agriculture, *Farmer's Bulletin*, No. 1485.

⁴ Massachusetts, Pennsylvania, North Carolina, Kentucky, Michigan, Wisconsin, Minnesota, Missouri, Kansas, South Dakota, Colorado, Wyoming, Washington, Oregon, and Texas.

United States, with 62,231 beds, an increase of forty per cent over 1923. The largest numbers are: California, 57; Wisconsin, 55; and New York, 50. Indiana, Illinois, Michigan, Ohio, Pennsylvania, and New Jersey have from 20 to 32 county hospitals each.⁵

The maintenance of parks is another of the newer county functions. The first county park in the United States was established in Essex county, New Jersey, in 1895; county parks were next established in Hudson county, New Jersey, in 1903, and in Cook and DuPage counties, Illinois, in 1915. Since that time the movement has spread until by 1928 there were about 45 such parks in the United States.⁶

Various methods are used for controlling and supervising county parks. They may be under the control of the county board of supervisors, as in Los Angeles county, California, and Cook county, Illinois; they may be under an elected board, as in Clark county, Washington, and Santa Clara county, California; they are under the control of a board appointed by the county board in some cases, as in Erie county, New York, and Marathon county, Wisconsin; and in Essex, Hudson, and Union counties, New Jersey, they are under the control of a board appointed by the courts. Still other methods are used to govern and control parks.

The methods used to finance county parks also show great variation. In some cases they are financed out of the general funds of the county; in some states provision is made for a special tax levy for county parks; and in Rockingham county, North Carolina, they are supported by membership dues and contributions of interested citizens.

Counties in Pennsylvania and Florida have been empowered to provide recreation centers, playgrounds, gymnasiums, and swimming

⁵ "Hospital Service in the United States," *Journal of the American Medical Association*, March 30, 1929.

⁶ In a study published by the U. S. Department of Labor in 1928 the following thirty-three counties were listed as having county parks: Bergen, Camden, Essex, Hudson, and Union counties, New Jersey; Berkeley county, West Virginia; Clark and Grays Harbor counties, Washington; Clatsop county, Oregon; Cook and DuPage counties, Illinois; Erie and Westchester counties, New York; Guilford and Rockingham counties, North Carolina; Harris and Tarrant counties, Texas; Henry county, Indiana; Humboldt, Kern, Los Angeles, Orange, and Santa Clara counties, California; Jackson, Muskegon, and Wayne counties, Michigan; Jackson county, Missouri; Marathon and Milwaukee counties, Wisconsin; Orange county, Florida; Pueblo county, Colorado; and Ramsay county, Minnesota. Converse county, Wyoming, had a park which was acquired by gift rather than purchase, as in the case of the other county parks listed above. Twelve other counties were

pools.⁷ Following the World War, counties have been given the power in several states to construct memorials, armories, and public buildings in memory of the men who lost their lives. In Nebraska, counties may expend money for the purchase of sites and the erection of monuments or markers for the purpose of identifying places of local historic interest.⁸

Counties in a few states have now been authorized to establish and maintain airports. Among the states which empower counties to assume this new function are Pennsylvania, Michigan, Indiana, North Carolina, Texas, Wyoming, Idaho, and California.⁹

Laws authorizing counties to carry out county or regional plans, or to cooperate in the development of such plans, have been passed in Ohio, Michigan, Wisconsin, Illinois, and California.¹⁰ At least six counties in the United States now have county plans in effect. The chief purpose thus far seems to be the control of land subdivision.¹¹

County aid to agricultural interests has been given in various ways, and new methods have been developed in recent years. From early in the nineteenth century, county fairs began to be held, and with the aid of county and state funds they became familiar and important institutions. In later years the character and influence of these fairs have declined; in some states public funds have been discontinued; and in many places the local fairs have been abandoned. Farmers' institutes, of a more definitely educational character, were begun in Illinois and Iowa about 1870 and have since been established in other states.

reported as having parks in 1928, but the data were not sufficient to include in the report. "Park Recreation Areas in the United States," *Bulletin of the United States Bureau of Labor Statistics*, No. 462 (Washington, 1928).

⁷ *Pa. Stat. Complete to 1920*, secs. 15, 822-15 ff.; *Fla. Cum. Stat.*, 1925, ch. 32A.

⁸ *Comp. Stat. of Neb.*, 1922, secs. 6812-16.

⁹ *Pa. Stat., Supp.*, 1928, secs. 460—A1—A5; *Public Acts Mich.*, 1927, p. 372; *Sess. Laws Wyo.*, 1927, p. 74; *Codes and Gen. Laws Calif.*, Supp. 1925-27, sec. 4056 c; *Burns Ind. Stat.*, 1926, vol. 2, secs. 3838 ff.; *Public Laws N. C.*, 1929, p. 64; *Sess. Laws Idaho*, 1929, ch. 106; *Texas Laws*, 1929, p. 614.

¹⁰ *Page's Ohio Code*, vol. 1, sec. 4366-13; *Laws of Wis.*, 1925, ch. 438; *ibid.*, 1927, ch. 375; *Public Acts Mich.*, 1927, No. 260; *Ill. Sess. Laws*, 1929, p. 308; *Calif. Stat. and Amendments to the Codes*, 1929, ch. 838.

¹¹ *5 City Planning 177* (1929). DuPage county, Illinois; Glynn county, Georgia; Kenosha county, Wisconsin; Lucas county, Ohio; Santa Barbara county, California; and Wayne county, Michigan.

Giving aid to needy farmers to enable them to secure seed grain and feed is now a county function in a few states. Counties in North Dakota were authorized in 1909 to aid needy farmers in securing seed grain. This is done where the crops for any preceding year have been a total or partial failure by reason of drouth, hail, or other cause. Applicants must sign an agreement to pay the amount of cost of any grain furnished.¹² Similar laws have been passed in Minnesota, Montana, and Kansas.¹³

An important and widespread recent movement for the improvement of agriculture has been through trained county farm agents and bureaus. These are maintained with the coöperation of the U. S. Department of Agriculture, state agricultural colleges, county authorities, and voluntary associations. Begun in 1904 in the Southern states, and in the Northern states some years later, by 1914 there were more than nine hundred county advisors. In 1909, Mississippi authorized county boards to make grants of money for such county advisors; New York and North Dakota followed in 1912; and similar action has been taken in many other states.¹⁴

The Smith-Lever Extension Act of 1914 provided larger funds from the United States, and placed the work on a more systematic basis. By 1924, county farm advisors were operating in 2,084 counties, in all of the states—five states, Connecticut, Delaware, Maine, Maryland, and New Hampshire, having these agents in every county. County agents are chosen through the joint action of state agricultural colleges and county advisory committees. About a third of the cost comes from the United States, a fourth from state funds, about thirty per cent from counties, and the balance from fees of local associations and other sources.

In some states the statutes merely authorize the county board to give aid to such organizations in case it sees fit. Thus in Missouri the county court, "for the purpose of promoting the public welfare by assisting in the general betterment of farm and home practices and conditions," may appropriate out of the general funds of the county such sums as

¹² *Comp. Laws of N. D.*, 1913, vol. 1, secs. 3471-3490. Amended at the special session of 1918.

¹³ *Supp. Minn. Stat.*, 1917, sec. 745-4; *Rev. Codes Mont.*, 1921, vol. 1, secs. 4640-4679; *Laws of Kas.*, 1927, ch. 174.

¹⁴ M. C. Burritt, *The County Agent and the Farm Bureau* (New York, 1922); William A. Lloyd, "County Agricultural Agent Work under the Smith-Lever Act, 1914-1924," U. S. Dept. of Agriculture, *Misc. Circular*, No. 59 (1926).

it may deem proper for the support of any farm organization.¹⁵ In other states, however, the giving of the aid is mandatory. Thus in Kansas, boards of county commissioners must contribute not less than \$1,200 a year to assist in the payment of the salary of the county agricultural agent and the expenses of the farm bureau in counties where such a bureau is organized having a membership of twenty-five per cent of the bona fide farmers of the county, or as many as 250 members.¹⁶

New activities have been developed in the field of older functions. In the field of charities and corrections may be mentioned specialized child welfare work, mothers' pensions, and blind pensions. The first mothers' pension laws were passed in Illinois and Missouri in 1911, and by 1927, laws providing for such pensions had been passed in forty-two states.¹⁷ In several states a part or all of the funds are provided by the state, but in eight states all is paid by the county, and a part in several others. Boards of county commissioners in Kansas may by unanimous vote pay a monthly pension to any persons who are disabled from performing manual labor and whose parents or relatives are not financially able to care for them.¹⁸ Wisconsin, by act of 1925, authorized county boards, by a two-thirds vote, to establish old-age pensions.¹⁹

Developments in the field of county health administration are county nurses and full-time county health departments. Since the first full-time county health department was established in 1911 (Yakima county, Washington), the movement has continued until on January 1, 1926, there were 307 departments of this nature. The states having the largest number of counties with full-time health departments were Alabama, Georgia, North Carolina, and Ohio. The movement has made the greatest progress in the Southern states.²⁰

The county is tending to become a more important unit in educational administration. This may be seen in the increased use of the county unit system of school administration since 1900. By 1927, eleven states were classed as having the strong county unit type of

¹⁵ *Supp. to Mo. Stat.*, 1927, p. 781.

¹⁶ *Rev. Stat. of Kas.*, 1923, sec. 2-601. Cf. *Burns Ind. Stat.*, 1926, secs. 7045 ff.; *Mason's Minn. Stat.*, 1927, vol. 1, sec. 668.

¹⁷ Grace Abbott "Standards of Rural Child Welfare," *Proceedings of 54th Annual Conference of Social Work*, p. 30 (1927).

¹⁸ *Rev. Stat. of Kas.*, 1923, sec. 19-244 ff.

¹⁹ *Laws of Wis.*, 1925, ch. 121.

²⁰ *The County Health Unit* (Milbank Memorial Fund, 1927).

school administration; eight others were classed as having the weak county unit form; and three others were referred to as having made "feeble beginnings" in county unit organization.²¹

County high schools and county schools for special types of instruction are maintained in more than half of the states, including a number of states in addition to those where the general public school system is based on the county unit. County high schools are authorized most commonly in the Western and Southern states. More than a hundred county normal schools are reported in Michigan, Ohio, and Wisconsin. County schools of agriculture and domestic economy were organized in Wisconsin in 1901; and since that time they have been authorized in Minnesota, Michigan, California, New Jersey, North Dakota, North Carolina, and Mississippi. Seven of the fourteen counties in Massachusetts maintain training schools for juvenile delinquents. Minnesota has authorized such schools in counties of over 33,000 population; Missouri for Jackson county; and Pennsylvania has authorized county commissioners to establish such schools for children under the care of the juvenile court.²²

It may thus be seen that new functions are being developed by counties to replace those which are being taken over by the state. In general, the newer functions seem to relate more to local affairs—to questions in which the people of the locality are primarily concerned—rather than to services performed by the county as an agent of the state. The development of this type of function indicates that the county will continue as a significant unit of local government.

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Boston and Suffolk County. The problem of city and county in the United States seems to assume in certain quarters the impregnability of a Verdun defying the determined assaults of city councillors, county commissioners, and state legislatures. This is true of the knotted and gnarled relationships of Boston and Suffolk county. Boston is the lion of Suffolk county and pays more than the lion's share of expenses.

²¹ Benjamin J. Burris, *The County Unit System, How Organized and Administered* (1924); Julian E. Butterworth, "Types of Educational Control in the United States," 15 *Journal of Educational Research* 349 (1927).

²² *Gen. Laws Mass.*, 1921, ch. 77; *Mason's Minn. Stat.*, 1927, sec. 8649; *Rev. Stat. Mo.*, 1919, sec. 13802; *Pa. Stat. Complete to 1920*, sec. 13417.

Suffolk county also includes the cities of Chelsea and Revere and the town of Winthrop. A century ago, Suffolk county contained Boston and the town of Chelsea. But in 1846 North Chelsea was set off from Chelsea. In 1852 one part of North Chelsea became the town of Winthrop, and in 1871 the remainder of North Chelsea became Revere, now a city in itself. Chelsea, Revere, and Winthrop cover approximately seventeen per cent of the county area. In 1920 they contained about ten per cent of the total population.¹ The mayor and city council of Boston serve as the county commissioners of Suffolk county, and Boston, not without much grumbling, bears the burden of all county expenses. The resultant pulling at cross purposes between Boston, Chelsea, Revere, and Winthrop is a recurrent phenomenon.

The root of this evil lies in the legislative acts of 1821 and 1831. By action of the General Court in 1821 it was provided: "That the town of Chelsea shall continue to be a part of the county of Suffolk . . . excepting that the town of Chelsea shall not be liable to taxation for any county purposes, until the legislature shall otherwise order."² Ten years later, in 1831, the legislature stipulated that the connection between Boston and Chelsea should continue if Chelsea would release to Boston its interest and estate in county property.³ In pursuance of this act, all county property was deeded by Chelsea to Boston. As a return for this cession of property rights, Chelsea has considered herself freed by contract from Suffolk county taxes.

Boston seemed to have the best of the bargain in 1831, but time has proved that Chelsea by no means exchanged her birthright for a mess of pottage. The valuation of Chelsea at the time was so small that her proportionate share of county expenses would have been slight. In 1830 the valuation of Boston was "\$60,698,200, and that of Chelsea was . . . \$244,261, making the difference in valuation so great that if Chelsea had at that time been required to pay its share of the county expenses, which amounted to \$15,338 net, it would not have equalled \$100."⁴ But as county expenditures mounted and the valuation of Chelsea increased, Boston became more and more disgruntled with the arrangement. The town of Chelsea became the cities of Chelsea and Revere and the town of Winthrop. These governmental units in Suf-

¹ John Koren, *Boston 1822 to 1922*, p. 189.

² Mass., *Special Laws* (1821), ch. 109, sec. 1.

³ *Ibid.* (1831), ch. 65, sec. 1.

⁴ Mass., *Legislative Documents* (1914), House No. 2090, p. 9.

folk county no longer constituted such a small part of the total valuation as to make their share of county expenditures a mere bagatelle. Whereas in 1831 Boston contained more than ninety-nine per cent of the total valuation of Suffolk county, in 1921 Boston could muster less than ninety-five per cent of the county valuation.⁵ County expenses, which totaled \$15,338 in 1831, called in 1929 for a budget of \$3,675,519. Henry Parkman Jr., a member of the Boston city council, estimated in March, 1929, that the present arrangement had cost the city of Boston since 1831 approximately \$2,500,000, which would have been the equitable share of Chelsea, Revere, and Winthrop in county expenses.⁶

Boston has often attempted to lighten this onerous burden. In the 1929 session a resolution was submitted to the General Court providing: "That an unpaid special commission . . . investigate the question of the equitable apportionment of expenses of Suffolk county, including the question of the advisability of changing the boundary of the counties of Suffolk and Middlesex so that Suffolk county shall include only the city of Boston and that the cities of Chelsea and Revere and the town of Winthrop shall be included in Middlesex county." But this effort to investigate the local city-county problem was unfortunately defeated in committee by Mayor Cassassa of Revere. The creation of co-terminous boundaries for the city of Boston and the county of Suffolk would be a great advance. It would eliminate the constant friction now resulting from the conflicting interests of Boston, Chelsea, Revere, and Winthrop.

The existing situation is a labyrinth, with intricacies and complexities at every turn. The mayor and city council of Boston act as a Suffolk county commission, with certain exceptions. In Chelsea, the laying out of highways and other similar duties of county commissioners are performed by the board of aldermen of Chelsea. In Revere and Winthrop, these same duties are performed by the county commissioners of Middlesex county.⁷ One of the most curious anomalies is the fact that Boston pays yearly as part of the county budget for the maintenance of the Chelsea police court; while Chelsea derives the

⁵ John Koren, *Boston 1822 to 1922*, p. 189.

⁶ This statement was made in an address to the Boston League of Women Voters.

⁷ Mass., *Legislative Documents* (1929), Senate No. 201.

⁸ Mass., *General Laws* (1921), ch. 34, sec. 4.

revenue from the fines. This situation has been characterized by a prominent Boston official as "awfully funny."

A plan was suggested in the past to have a county commission made up of the city council of Boston ex-officio plus two county commissioners each from Chelsea and Revere and one from Winthrop. In return for this representation, Chelsea, Revere, and Winthrop were to pay their fair share of county expenses.⁹ Such a plan would be highly agreeable to Boston, since the Hub would have a very safe majority in the county commission and would pay only a proportionate share of county expenses. But the city fathers of Revere maintain that they should pay a fair share of county expenses only on condition that a standard county government is set up for Suffolk county. Under the general laws of the state, "no more than one of the county commissioners and associate commissioners shall be chosen from the same city or town."¹⁰ Such a county organization, if established in Suffolk county, would undermine the control of county patronage by Boston politicians.

The situation remains deadlocked. So great is the force of tradition and the interplay of local interest that a solution of the relation between Boston and Suffolk county seems as remote as the unification of the Boston metropolitan area into a Greater Boston. Expound at length, if you will, on the creation of co-terminous boundaries for Boston and Suffolk county, on city-county consolidation, or a federated plan of city-county consolidation. All these are theories, so far as Boston and Suffolk county are concerned. It is a condition, not a theory, that controls.

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⁹ Mass., *Legislative Documents* (1914), House No. 2090, Exhibits F and G.

¹⁰ Mass., *General Laws* (1921), ch. 54, sec. 158.

FOREIGN GOVERNMENTS AND POLITICS

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The Constitutional Crisis in Austria. Constitutionalism, in Austria, is not a new slogan. It was a phrase to conjure with during the entire lifetime of Francis Joseph, though in practice the whole history of the country down to the revolution of 1918 was its virtual negation.¹ Only in the latter days of the monarchy, when the scepter passed from the hands of Francis Joseph to the inexperienced young emperor Karl, was a modicum of popular expression allowed to supplant the personal autocracy of the sovereign.² The old Austria passed out of existence in 1918 without the successful implantation of a régime of liberal legality in any of its parts.

The young Austrian Republic, coming into existence in the hour of the Empire's dissolution, thus inherited a legacy of unconstitutional government, and only the solidity of socialist and clerical party organization, bred of the stress and strain of clashing conceptions of the social order, gave support to the government in the days when social revolution swept almost to the doors of Vienna. It was under such circumstances that Austria entered, in 1918, upon the way of constitutionalism and sought, through her provisional instruments of government, to avoid the autocratic excesses of the past and avert the impending perils of a proletarian dictatorship.

In a series of revolutionary pronouncements and decisions of her provisional assembly, she discarded, under socialist leadership, the arbitrary régime attendant on the monarchy, and, establishing a unitary democratic republic with far-reaching local self-government as a stepping-stone toward union with Germany, inaugurated a régime of unquestioned parliamentary supremacy, strict ministerial responsibility, virtual executive impotence, and extensive socialization.³ Such was the first, and spontaneous, reaction to the fact of liberation.

¹ Cf. Joseph Redlich, *Emperor Francis Joseph*, pp. 536-539.

² Cf. *ibid.*, *Austrian War Government*, pp. 136-164.

³ Cf. Hans Kelsen, *Die Verfassungsgesetze der Republik Deutsch-Oesterreich*, (1919).

After the veto on Austro-German union there came, in 1920, a period of reaction characterized by provincial separatism, parliamentary impotence, fiscal inflation, and general disillusionment. In this stage setting the final constitution was elaborated by provincial conferences and enacted, almost without change, by a paralytic constituent assembly.⁴ That instrument abandoned unitarism in favor of the federal framework, in part to avoid the preponderance of socialist Vienna over a clerical countryside and thus to stalemate socialization; in part to erect a barrier to the eventual integration of Austria into the German Reich. It further deliberately instituted a bicameral legislative structure to represent the nation in the Nationalrat, and the provinces, proportionately to their population, in the Bundesrat. As chief of state, it created a federal president, elected by the chambers, and with less authority and far less prestige than the president of France. It markedly decentralized local government, giving the federal authorities neither fiscal nor administrative control over most aspects of provincial life. Finally, it placed in the hands of the constitutional court, composed of professional judges of conservative temperament, the ultimate power of surveillance over the spheres of federal and provincial authority. All told, the constitution represented a far-reaching modification of the régime which the Social Democrats, after the revolution, had hoped to bring about in Austria; yet it rectified most of the major errors of Habsburg misrule.

Nine years of experience under the constitution have sufficed to throw light on the trend and incidence of its operation and to make clear its defects. The sanguine hopes of the Social Democrats that, after the 1920 elections, they would be able to command the necessary majorities to run the government single-handedly were destined to prove an illusion, and the coalition of non-socialist parties (Christian Socialists, Pan-Germans, and Agrarians) has maintained an undisputed control of the federal structure since the constitution went into effect. Despite the appreciable growth of the Social Democratic party revealed by the parliamentary elections of 1923 and 1927, the federal constitution has been continuously utilized by successive bourgeois coalitions as an instrument of party domination to exclude the Social Democrats from all participation in the federal government.⁵

⁴ Cf. *ibid.* For an English translation, cf. McBain and Rogers, *The New Constitutions of Europe*, pp. 256-306.

⁵ The status of the parties may be seen from the following table [see next page]:

The initial effect of the constitution in operation was, irrespective of what the intentions of its framers may have been, to accentuate provincial separatism, particularly in 1921, when the efforts of the individual provinces to break away from the federal union and annex themselves to Germany as individual territories challenged the authority of the federal government and were stopped only by Allied pressure and the insistence of Chancellor Schober.⁶ Political separatism once checked, the next evidences of over-federalization were the studied efforts of the provinces to evade all fiscal or administrative control over their expenditures—a situation which markedly curtailed the efficacy of the measures devised at Geneva for Austria's financial salvation. What profit drastically to curtail federal expenditure in any stabilization program if the provincial budgets merely took on the burdens cast off by the federal treasury? The result of three years' unhappy experience along this line was the summoning of the *Länderkonferenz* of 1925, which succeeded in devising a limited measure of audit controls over provincial expenditure. Plainly, the allocation of authority between the federation and the provinces under the 1920 constitution was breaking down. It took formal amendment to accomplish this reform, and even the staunchest supporters of the federal system were forced to acknowledge that the distribution of functions was at fault because of giving too much authority to the provincial governments.⁷ Apart, however, from this formal modification of the fundamental law essential to the carrying out of the financial reconstruction program, no further amendment took place. By 1926, provincial separatism had been cured by a sound currency and appropriate administrative controls and had

PARTY	1919	1920	1923	1927
Agrarian	—	7	6	9
Christian Socialist	69	85	82	73
Pan-German	26	21	12	12
Social Democrat	72	66	69	71

At the elections of 1927 the Social Democrats polled 1,534,088 votes, or 42.3 per cent; the combined governmental parties 1,983,323, or 54.5 per cent. The Austrian Communist group polled 16,181 or 0.4 per cent. Cf. *Statistische Nachrichten*, June, 1927. It was estimated in 1928 that the municipal elections indicated a general gain of 3 per cent over the percentages of 1927 for the Social Democrats, with marked increases in Vienna, Salzburg, and Carinthia. Cf. *Bulletin Périodique de la Presse Autrichienne*, No. 189, May 17, 1929.

⁶ Cf. M. W. Graham, *New Governments of Central Europe*, pp. 187-191.

⁷ Cf. *Bulletin Périodique de la Presse Autrichienne*, No. 164, September 10, 1925.

ceased to be a problem. If anything, the tide had begun to flow in the other direction—that of centralization—in the hope that a unitary, or at least more integrated, state might be less costly to administer.⁸

The second effect of constitutional operation was to reveal to a large group of Austrians of all shades of religious and political opinion that the federal structure devised in 1920 from a domestic standpoint to “neutralize” socialist Vienna was, as had been intended by a group of its framers, a basic obstacle to the realization of Austro-German union. After Locarno, and after Germany’s admission to the League of Nations, the imminent political dangers attaching to any attempt at *Anschluss* began to lessen, and there arose the possibility of working toward that objective by a policy of coöperative action on both sides of the frontier. Forthwith there came into being a full-fledged movement for *Ausgleichung*, for the assimilation of Austrian to German legislation, for identical judicial procedure and codes, for analogous administrative action, for parallel governmental policy. Through 1926, 1927, and 1928 the movement was confined to the legislative and administrative fields. By 1929 it had gained ground to the point where open advocacy of constitutional change in the interest of *Ausgleichung* supplanted the milder forms of the Anschluss movement. To revamp the Austrian instrument *more Germanorum* became the order of the day.⁹

A third and most significant outworking of the constitution was the functioning of the courts under it. Leaving aside matters of civil and administrative justice, where no acute controversy arose, and considering merely the processes of criminal justice, it is apparent that a large part of the Austrian citizenry regarded the judiciary as the final bastion of conservatism, tending at times to safeguard too well the rights of property at the expense of human rights and to render political decisions. The manifestly outraged sentiments of the Viennese throngs after the political decision in the famous Schattendorf trial¹⁰ gave forceful expression to a feeling long latent that both

⁸ Such was the objective of financial legislation proposed in May, 1928, by Finance Minister Kienbock with a view to federal supervision of provincial financial administration. According to the socialist *Arbeiterzeitung*, June 8, 1928, such legislation would tend to make Austria a unitary state, while the *Neues Wiener Tageblatt*, May 31, 1928, openly declared that “the economic necessities of today condemn an onerous and cumbrous federalism.”

⁹ Cf. *Bulletin Périodique de la Presse Autrichienne*, No. 192, February 26, 1929.

¹⁰ This trial of Hungarian individuals accused of shooting workers in a Schutzbund parade at Schattendorf, in Burgenland, resulted in their acquittal, July 15,

judges and juries were distinctly amenable to governmental, i.e., clerical, pressure, and that the laboring elements in the republic could not expect even-handed justice under the existing judiciary. The record of the parliamentary inquest into the burning of the Vienna courthouse is studded with references to the overwhelming conviction of large masses of the public that there existed a *Justizkrise*.¹¹ Plainly, the public mistrust of the machinery of justice was among the many factors giving rise in Austria to the system of private political armies, socialist and conservative, as the readiest means of self-help in the event of a breakdown of the existing allocation of power or of the guarantees of legality.

The final factor in precipitating a constitutional crisis was the growth of socialism. The Social Democratic party, organized and disciplined for years on the German model, had made its appeal, both in 1919 and 1920, on a strictly orthodox Marxian conception of socialism, essentially untainted by Continental revisionism and uncolored by British experience. The chastening received in the year of reaction, 1920, led the party to seek for victory through closer organization and through municipal contests, while the gains in 1923 led it to the belief that it might shortly make a bid for power. By 1926, the party, learning from the experience of British Labor, saw a basic need for re-ordering its fundamental principles and broadening the scope of its appeal. Hence, in its noteworthy Linz program,¹² it pled for the accession of intellectuals, of women, of the lesser bourgeoisie, to its ranks, irrespective of creed or confession, on the basis of class coöperation. It realized no small gains.¹³ Thereafter its continued successes in municipal elections began to alarm the conservative elements, which forthwith took up the ideology and program of fascism and built up

1927. The rioting which followed immediately thereafter in Vienna was poignantly characterized by the *Arbeiterzeitung*, July 15, 1927: "... if the working class distrusts justice, it means the end of the established order. The bourgeois world is always warning against civil war. But this revolting acquittal of individuals who have killed workers and because they have killed workers—is it not in itself civil war? We warn everyone that when such an injustice as that of yesterday is committed, only grave evils will be harvested from it."

¹¹ Cf. *Bulletin Périodique de la Presse Autrichienne*, No. 183, August 13, 1927, and *Arbeiterzeitung*, July 27, 1927.

¹² Cf. *New York Times*, November 5, 1926, for the details of the Linz program, characterized as "bristling with a recognition of political realities."

¹³ Cf. note 5, *supra*.

a conservative militia, hoping by these means to stave off the day of government by a single-handed socialist majority. This naturally provoked counter-organization by the socialists.

It is immaterial here to attempt to detect or legitimate by chronology the first-born among the private armies, Catholic and socialist, by which Austria is now plagued. Defenders of the socialist militia, the *Republikanischer Schutzbund*,¹⁴ point to this group as the nuclear element in the dissolving imperial armies which worked for the establishment of republicanism, democracy, and socialization in the critical days of 1918, and which, especially since the riots of 1927, has been the safeguard of republican institutions in general and of the laboring elements in particular against every form of reaction or extremism, Right or Left. Protagonists of the *Heimwehr*,¹⁵ or clerical-conservative militia, point out that its activities are sanctioned by the wholly defensive rôle it played during the revolution in 1918 in maintaining law and order in the provinces and protecting the bourgeoisie against menacing social upheaval, and that it is now the principal mainstay of sobriety and authority against the excesses of dogmatic Austro-marxism as exemplified in "red" Vienna. Regardless of their origin or their initial program, the two armies joined issue squarely and became the extra-legal and extra-constitutional machinery of group pressure through which to influence governmental policy and effect fundamental change. The Schutzbund proclaimed its mission to be that of protecting the social democracy of Vienna and the supremacy of the parliamentary republic against impending fascism, while the Heimwehr, borrowing the cheap histrionics of Italian squadristism, set its face like a flint against socialism, enunciated a program intended to undo at a stroke the gains of a decade of parliamentary democracy, and called for a march on Vienna to evict the Marxists by force.¹⁶

¹⁴ The objectives of the Schutzbund, as a purely defensive body to withstand fascist provocation, are outlined in *Arbeiterzeitung*, November 2, 1927.

¹⁵ An excellent survey of the Heimwehr movement is given in the *Neues Wiener Journal*, November 8, 1927. In the words of the *Wiener Neuste Nachrichten*, December 8, 1927, the Heimwehr is "a popular anti-marxist movement against the terror of the Social Democratic party." Cf. also "Austria, Quo Vadis?", *Central European Observer*, vol. 7, p. 479, Aug. 30, 1929.

¹⁶ In an address on April 7, 1929, Herr Pfrimer, a prominent Heimwehr leader, pronounced for the suppression of the parliamentary régime and the constitution and for a march on Vienna to accomplish this, arms in hand. Similarly, Herr Steidle, the nominal head of the Heimwehr, declared on April 14, 1929: "If our economic and political life is in danger, I have the right to consider the constitution,

In advocating this essentially anti-parliamentary program, the Heimwehr had the support of monarchist, clerical, and agrarian elements in Austria, of monarchist and national socialist groups in both Hungary and Bavaria, and at least the benevolent sympathy of the German Stahlhelm, while its coffers were filled by Austrian industrialists and German nationalist leaders. On the other hand, the Schutzbund obtained assurances of coöperation from socialists in neighboring countries and the cordial collaboration of the German Republican Reichsbanner group.

That the existence of these jealous rival forces, pitted against each other and threatening civil war, made the task of the federal government extremely difficult is obvious, and for the last two years the government has, of necessity, walked warily. In April, 1929, Chancellor Seipel, sensing that the Heimwehr, which he had unofficially sponsored, was becoming a Frankenstein beyond the power of party control, strategically withdrew from the scene and left to his successor, Herr Streeruwitz, the delicate task of putting the political machinery once more in order by dealing vigorously with the problem of the private armies and enacting constitutional reforms. This the new chancellor was unable to do. The work of reconciling the chasmic differences between armed factions proved impossible, and Herr Streeruwitz, apart from accomplishing some minor judicial reforms and legislative retouching, did nothing more by way of constitutional reconstruction than to listen to the demands of the coalition parties.¹⁷ When Herr Steidle set September 29 as the date for the march on Vienna and the Bauernbund, of which Streeruwitz was a member, joined the Heimwehr en bloc, the Streeruwitz government gave up the ghost. Obviously, a more energetic governmental policy was needed if the existing constitutional order was not to efface itself silently. At this juncture, Herr Schober, who was known to all as an exemplar of law, order, and constitutionality, assumed the chancellorship on a program of immediate constitutional revision and social reconciliation.

The new chancellor was as good as his word. Calling upon his official advisers to bring forth their projects in short order, he presented

which is impotent, as of less value and to suppress it by any means whatsoever. We consciously invoke for our people the case of *force majeure*." Cf. *Arbeiterzeitung*, April 10, 18, 1929.

¹⁷ On the general movement for constitutional reform, cf. Hans Kelsen, "Der Drang zur Verfassungsreform," *Neue Freie Presse*, October 6, 1929, pp. 6-7.

to the Nationalrat on October 18, 1929, three bills embodying the gist of the reforms demanded by the government parties and pled for their prompt discussion and enactment.¹⁸ After debate on first reading, the proposals were referred to the Constitutional Commission on October 23. It, in turn, delegated detailed discussion to a sub-committee of eight, representing all parties, which deliberated from October 28 to November 8. The product of its discussions being far from complete, intricate negotiations were undertaken by Schober with Dr. Robert Danneberg as spokesman for the Social Democratic opposition. These were completed by November 13 and the bills returned to the committee. After further amendment, they were reported to the Nationalrat, which voted them on December 7, 1929.

In the program officially put forward by Schober and his colleagues much that was serious and important was mixed with the trivial and politically absurd. Members of the clerical group did not scruple to include among their demands proposals which they knew would be gall and wormwood to the Social Democrats in the Nationalrat.¹⁹ When, however, the proposals are sifted and viewed objectively, they fall into four categories dealing, respectively, with executive, legislative, and judicial institutions and with local governmental functions.

Decidedly foremost among Schober's proposals were those intended to change the presidency from the colorless and inconspicuous position which it occupied under the instrument of 1920 to that of a vigorous executive. In this the strictly constitutional question very quickly became overlaid with considerations from the *Ausgleichung* policy, and it may be said that, on the whole, the proposals have tended consciously to assimilate the position of Dr. Miklas to that of Von Hindenburg.²⁰

¹⁸ For a detailed enumeration of Schober's proposals, cf. *Berliner Tageblatt*, October 19, 1929, morning edition, p. 4.

¹⁹ These included restoration of titles of nobility, prohibition of cremation of the dead, censorship over printed matter, theaters, and cinemas, "and a host of other statutory disabilities which apply to members of the socialist party alone." Cf. *London Times*, October 23, 1929, p. 15, c. 5. These failed of final enactment. *New York Times*, December 7, 1929, p. 6, c. 3.

²⁰ The propositions regarding the presidency put forward by the Pan-German party at Salzburg in 1920, by the Christian Socialists at intervals since the beginning of 1928, and by the Landbund in a memorandum to Chancellor Stresemann on August 31, 1929, were, in the main, accepted and utilized by Schober, with the exception of the proposal to give the executive the right to declare martial law in individual provinces. Cf. *Wiener Neueste Nachrichten*, August 28, 1929, and *New York Times*, December 7, 1929.

First of all, a change in the method of election, from choice by the federal assembly to election by direct vote of the people, was proposed, along with a six-year, in lieu of the existing four-year, term. Initially, it was proposed that in case no candidate received a majority, the choice should be made by the revamped legislative bodies, sitting in joint session, from the three candidates receiving the largest number of votes. In the end, however, a decision was reached to permit a run-off election as in Germany, thus indicating a triumph for the policy of *Ausgleichung*.²¹ Second, it was proposed markedly to extend presidential authority by endowing the chief executive with (a) the power of naming and dismissing ministers, (b) the power to convoke the chambers twice yearly and to dissolve them on occasion, but only once for the same cause, (c) the formal command of the army, and (d) the right to issue emergency ordinances having the force of law. While the other modifications encountered no opposition, the ordinance power, strongly reminiscent of the odious Article 14 of the imperial constitution, at first evoked strong socialist resistance. After the Schober-Danneberg negotiations, however, the Social Democrats agreed to give the president, in consultation with a permanent parliamentary commission representative of all parties, ordinance powers subject to subsequent ratification by Parliament.²² The net effect of these changes was to strengthen the arm of the executive, to place the Austrian presidency on a par with that of Germany, Poland, and Czechoslovakia, and to retrieve, after a decade of disillusionment, the naïve error of supposing that a strong executive necessarily implies autocracy.²³

²¹ *Neue Freie Presse*, December 1, 1929.

²² *London Times*, November 19, 1929, p. 16, c. 3. It will be recalled that this was, in substance, the actual procedure by Chancellors Seipel and Ramek on financial matters during the period of Austria's financial reconstruction. Cf. M. W. Graham, *New Governments of Central Europe*, p. 194.

²³ This error, a psychological backwash of the experience of a number of countries with the abuse of executive power in time of war and a part of the legacy of misrule inherited in common by the post-war succession states, went furthest in Poland, where Pilsudski's *coup d'état* of 1926 forced a strengthening of the executive along much the same lines as those mentioned above. Czechoslovakia and Finland both avoided the mistake, but it took the brief dictatorship of M. Volde-
maras in Lithuania to revamp executive authority there. In Latvia, with a stronger presidency from the start, no such need has been felt, while in Estonia the fusion of actual with titular executive authority (there being no president) solves the problem. In Yugoslavia, necessity forced resort to a benevolent royal dictatorship to retrieve the deficiencies in executive power; in Hungary, the impo-

A necessary consequence of the functional redistribution of authority which a strengthening of the executive involves was a marked curtailment of the powers and prerogatives of Parliament. In proposing to take away from that body the power to choose the titular executive, to determine its own time of meeting and prorogation, and, in the case of the ordinance power, a part of its legislative activity, much was done to reduce the exalted position in which Parliament was left in 1920. But Schober's proposals went further. He proposed to restrict the general parliamentary immunities to avoid in the future the recurrence of abuses of the past ten years, particularly through editorial utterances. In relation to the Nationalrat, he proposed to modify the electoral system by raising the voting age from twenty to twenty-one, the age of eligibility to twenty-nine, leaving unchanged the system of proportional representation, but introducing compulsory voting.²⁴ Regarding the Bundesrat there had been much greater discontent.²⁵ The proposals made by Schober contemplated reduction of its membership on the territorial basis from 52 to 18—thereby conforming to the two members per canton basis of the Swiss Council of States—and in addition transforming it into a body of a largely functional and corporative character,²⁶ representing social classes²⁷ and having much greater

tence of the presidency, under the short-lived Karolyi régime, was one of the reasons for its downfall. The dictatorships of Kun and Horthy followed.

²⁴ Here Schober fell far short of Heimwehr expectations. It had been the minimum hope of the Heimwehr leaders (1) to reduce the parliamentary seats from 165 to 120, thereby making a smaller number of seats essential to the gaining of a parliamentary majority, and (2) greatly to increase the number of constituencies as a means of breaking the force of socialist party organization. Their maximum program called for the institution of a legislative system "on the lines of the Italian régime." *London Times*, September 9, 1929. The Pan-German party openly proposed the adoption of the German definite-quota, indefinite-number system—largely in the interest of *Ausgleichung*. *Neue Freie Presse*, September 28, 1929.

²⁵ Complaint of the futility of the Bundesrat had long been made on the ground that it was a mere shadow of the Nationalrat and that the members of both houses were controlled by the party executives. It stood neither for distinctive provincial representation nor in juxtaposition to the Nationalrat. It was largely on this score that the Bundesrat was thought superfluous. Cf. Franz Winkler, "Fort mit dem Bundesrat," *Neues Wiener Journal*, September 29, 1929, p. 3.

²⁶ On October 14, 1929, Herr Schumy, Schober's minister of the interior, outlined the government's proposals as adding to the Bundesrat 12 representatives of agricultural proprietors and workers, 9 representatives of commerce, business,

weight and authority in the government. No effort was made to reduce the scope of its legislative activity, and it may be safely assumed that no attenuation of federal legislative power was intended. The project was, however, apparently sidetracked in committee, and it appears at this writing (December 24, 1929) that in the end the revamping of the Bundesrat was dropped. The much-heralded corporative state appears to be still a prospect, and not yet a reality.

That the judiciary did not come in for a more thorough retouching is attributable to one of the minor reforms of the Streeruwitz régime, namely, the provision for retiring and pensioning a large number of professional judges and the delegating of much judicial routine previously performed by them to younger technical, but not professional, assistants.²⁸ The government proposals aimed at narrowing the scope of the jury system, particularly as regards press, slander, and political offenses—a point to which the Social Democrats strenuously objected, then reluctantly yielded—and at reorganizing the constitutional and administrative courts, delimiting their competence more carefully, simplifying appeals from the lower administrative tribunals, particularly from Vienna, and changing their personnel to introduce more bureaucratic elements.²⁹

In the field of administration and local government, two proposals eventuated, one with regard to the governments of the individual lands

and industry, 9 of workers and private enterprises, 3 from the bureaucracy, and 3 from the liberal professions. Cf. *Berliner Tageblatt*, October 14, 1929, p. 2, c. 2-3.

²⁷ The sincerity of the federalist doctrine sponsored by Mgr. Seipel and his Christian Socialist followers seems open to some question, inasmuch as their sudden advocacy of the corporative state is without precedent—save in Spain and Italy. It is true that since 1919 there have not been lacking in Austria those who would have liked to see the Bundesrat either supplanted or supplemented by a national economic council such as exists in Germany. The Schober proposal seems, paradoxically enough, to have been a mixture of German socialism and Italo-Spanish corporativism, grafted on to a truncated federal structure. The obvious reduction of proletarian representation in such a body needs no comment, and is indicative of the effort to forestall impending Social Democratic control in certain quarters by corporativism, today a much stronger control mechanism than the federal structure meekly accepted by the strong socialist minority in the Constituent Assembly in 1920. Cf. Ignatz Seipel, *Die Kampf um die oesterreichische Verfassung*, Vienna, 1929.

²⁸ Cf. *Central European Observer*, vol. 7, p. 409, July 26, 1929.

²⁹ Cf. *London Times*, October 23, 1929, and *Neue Freie Presse*, December 1, 1929, p. 9.

or provinces, and the other with reference to the status of Vienna. In the interests of economy, simplification—a definitely anti-federalist, centralist tendency—and party control, it was proposed that the provincial governments and diets both be reduced in size.³⁰ To such proposal, save as its incidence might be adverse to specific party representation, no serious objection in principle was made. A tightening of fiscal and administrative control was the complementary measure, provincial finances being subjected to the federal *Rechnungshof*.

As regards Vienna, with a third of the country's population, the situation was different. To reduce the capital city from the status of an autonomous province of the federation to that of a mere municipality was tantamount to forcing the Social Democrats to civil war;³¹ hence such a move was destined to have scant fruition. Two definite changes were, however, made in the status of Vienna. The first concerned Viennese finances, it being a logical corollary of the extension of financial control over the provinces that Vienna, hitherto utterly exempted, must come definitely under federal audit control, but nothing more. The second dealt with the police. This was placed under federal control, a proposition galling to the Social Democrats³² but in the end reluctantly accepted by them.³³ In the future, apparently, there is to be permitted no such conflict of authority between the municipal security officers and a national gendarmerie as was partially responsible for the bloodshed during the Vienna riots of 1927. Should some future day witness a Social Democratic government in office, the power to control the police throughout the country would be a privilege not to be lightly spurned by the present opposition party.

³⁰ Dr. Stumpf, Landeshauptmann of the Tyrol, declared himself in full agreement with such provisions. *Neues Wiener Journal*, October 25, 1929.

³¹ Professor Hans Kelsen held that a demotion of Vienna would in reality force a total revision of the constitution, under different procedure from that contemplated by Schober. Cf. "Die Grundzüge der Verfassungsreform," *Neue Freie Presse*, October 20, 1929. Actually, the proposals of Schober did not go so far; hence the ordinary procedure for partial revision sufficed. Cf. K. W. Heininger, "Wien in der Bundesverfassungsnovelle," *Neue Freie Presse*, October 27, 1929, pp. 7-8.

³² Cf. Karl Renner, "Der Schlag der daneben ging," *Sozialistische Monatshefte*, vol. 69, pp. 880-884, October, 1929.

³³ A violent critique of the socialists for their acquiescence is contained in "The Austrian Bourgeoisie's Move toward a Fascist Dictatorship and the Tasks of the Proletarian Counter-Attack, *The Communist International*, vol. 6, pp. 957-964, November 1, 1929.

The last basic reform projected dealt with education. In 1919, when nationalization was the dominant theme in governmental policy, the Christian Socialists turned federalist on educational matters, hoping thereby to safeguard, through provincial enactments, the spiritual and cultural training of youth from the malign influences of socialism. By 1924, Chancellor Seipel injected the issue of nationalization of education into politics, in the hope of extending clerical control over education, and, being rebuffed, disappeared for a time from the political scene. The ardor of the cleric bested the politician in him and made his move at that time premature. In 1929, Schober considered the time propitious and sponsored the addition of education to the administrative functions of the federal government.³⁴ Quite apart from the merits of the matter from the standpoint of the respective parties, it is obvious that the proposal, along with the assumption by the federal government of the functions of a police system, markedly alters the territorial distribution of powers and breaks still further away from the balance of provincial and federal authority attempted in 1920.

Basically, the reforms, on the whole, give evidence of a backward swing of the pendulum from extreme federalization, as from extreme dilution of executive authority, toward a centralization of functions in a vigorous head of the state. It is in the interest of the corporative, as of the socialist, state to break away from the rigid territorial trammels, the multiplicity of governmental areas which a federal democracy imposes, but it does not appear that a complete departure from the norms established in 1920 is now possible. Socialism is too strong, too deeply entrenched, too temperate in its program, too rapidly growing, to be swept aside in favor of a new variety of Austro-fascism. It is only where party organization is lax, where the constitutional rootage is most shallow, that the corporative state is easily implanted, and in Austria social democracy is not a phantom thing. On the other hand, the play of military forces in Austrian politics is not necessarily at an end. All that can be said at present is that Herr Schober has

³⁴ The Pan-German party considers federal control of educational policy essential to break down provincialism and maintain a Great-German culture. The *Ausgleichung* movement is very marked here, and is divorced from, and above, religious considerations. "The freedom of the schools," declared a prominent party leader, "is for us a point in our program on which we cannot yield. We are not fighting against socialist schools merely to make possible a clerical school system." *Neue Freie Presse*, November 10, 1929, p. 9, c. 2.

made an honest and well-meaning endeavor to reconcile widely differing interests within the confines of legality, and that, with a view to stabilizing Austria's international position, he has, for the moment at least, found for the Danubian republic a new basis of constitutional equilibrium intermediate between the extreme federalist position of 1920 and the demands for a future unitary fascist or socialist commonwealth. In so doing, he has brought much water to the mill of the *Ausgleichung* movement. But he has not sacrificed democracy, nor overthrown Parliament, nor laid aside the guarantees of legality and majority rule which for Austria are indissolubly associated with the republican revolution.

MALBONE W. GRAHAM, JR.

University of California at Los Angeles.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

Mr. William B. Cook, of New York City, has donated the sum of \$200,000 to the University of Michigan for a lecture foundation on American political institutions. The first series of lectures will be delivered early in 1930 by the Hon. Charles E. Hughes.

Mr. F. A. Bland, lecturer in public administration at the University of Sydney, delivered a course of lectures at the University of Michigan during the week of November 3.

Mr. George Young, formerly of the British diplomatic service, and recently a lecturer at the Williamstown Institute of Politics, delivered lectures during November at Michigan, Illinois, Wisconsin, and other Middle Western universities.

Professor Joseph P. Harris has completed the field work in connection with his study of election administration and is again in residence at the University of Wisconsin.

Dr. H. W. Dodds, editor of the *National Municipal Review*, has been named chairman of the Mercer county (New Jersey) planning commission, and also a member of the joint legislative committee of New Jersey to study the problems of metropolitan government as it exists in several regions of the state.

Professor Pitman B. Potter, of the University of Wisconsin, has been granted leave of absence for one year, during which time he will conduct a lecture course and a seminar on international organization at the Institut Universitaire des Hautes Études Internationales at Geneva.

Mr. Stuart Lewis, professor of government in the New Jersey Law School and author of various books on government and politics, died in Newark, New Jersey, on November 14.

Miss Nesha Isaacs has resigned as instructor in political science at the University of Cincinnati, and Mr. Roger V. Shumate, of the University of California, has been appointed to succeed her.

Mr. Thomas C. Clark, of Canton, Ohio, has been appointed to an instructorship in political science at Princeton University.

Mr. Bruce Smith and his staff from the National Institute of Public Administration have completed their survey of the Chicago police department and have lately been engaged in introducing the proposed changes aimed at a reorganization of the force.

Professor John M. Gaus, of the University of Wisconsin, will devote half of his time during the second semester and the whole of the summer to a survey of research in administration, under the auspices of the Social Science Research Council's advisory committee on administration.

In a series of public lectures at Columbia University outlining the progress of the past quarter-century in academic and scientific research, the lecture on the subject of government was delivered, on December 19, by Professor Howard L. McBain.

Dr. John Garland Pollard, professor of Virginia government and constitutional law and dean of the Marshall-Wythe School of Government and Citizenship in the College of William and Mary, was elected governor of Virginia on November 6. Dr. Pollard expects to return to the College when his term as governor expires, February 1, 1934. Dr. James E. Pate has been promoted from associate professor to professor of political science and acting head of the department.

Dr. Charles E. Martin, professor of international law and head of the department of political science at the University of Washington, is traveling in the Orient as Carnegie Endowment visiting professor of international relations, accredited to the universities of Japan and China. He attended the conference of the Institute of Pacific Relations at Kyoto, Japan. After completing a tour of China, he will go to the Philippine Islands and Australasia, and thence to Seattle, where he will arrive at the end of March.

Professor Charles E. Merriam, of the University of Chicago, has been appointed a member of President Hoover's commission to study social changes and trends in the United States. The other members are Professors Wesley C. Mitchell of Columbia University, Howard W. Odum of the University of North Carolina, and W. F. Ogburn of the University of Chicago, and Mr. Shelby Harrison of the Russell

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Sage Foundation. It is expected that the investigation will continue through a period of at least two years.

The survey and audit of the New Jersey state government, which the National Institute of Public Administration was engaged last April to make, is nearing completion. Within a short time, a comprehensive report on audit and finance will be submitted to Governor Larson and the special legislative committee, covering the administrative structure and methods and the condition of the state's finances. Some of the preliminary findings have already been published by newspapers.

The development committee of the board of trustees of Northwestern University has authorized President Scott to announce a six and one-half million dollar program for new law professorships, new law buildings, and the introduction of new methods of law teaching. The primary objective will be a new emphasis upon the connections between law and social science—indeed, as President Scott has put it, to make the lawyer a social scientist.

Political science as a discipline is represented on the Commission on Direction of the Investigation of History and Other Social Studies in the Schools, sponsored by the American Historical Association, by Dr. Charles A. Beard and Professor Charles E. Merriam. Dr. Beard is a member of the advisory committee on objectives, and Professor John A. Fairlie of the advisory committee on public relations.

In memory of Mrs. Clara H. Ueland, an effective pioneer worker in the cause of woman suffrage in Minnesota and the Northwest, a group of friends have established the Clara Ueland Memorial Fellowship for the graduate study of government and citizenship at the University of Minnesota. The fellowship, which is open to recent women graduates of American colleges and universities, and carries a stipend of \$500 for the academic year, with exemption from fees, will be available for the first time in 1930-31.

At the 1930 session of the Institute of Statesmanship held at Rollins College January 6-11, a conference group on the making of public opinion was led by Professor Harold R. Bruce, of Dartmouth College; a second, on efforts to control public opinion, by Professor Clyde L. King, of the University of Pennsylvania; a third, on the psychology of public opinion, by Professor H. D. Lasswell, of the University of Chicago;

and a fourth, on public opinion and the control of political processes, by Professor Lindsay Rogers, of Columbia University. Various lectures and general conferences dealt with the same main theme.

Professor Henry V. Hubbard, of the faculty of landscape architecture at Harvard University, has been named as the first incumbent of the new Charles D. Norton chair of regional planning in that institution. Professor Hubbard is chief editor of *City Planning*, the official magazine of the profession, and a member of the firm of Olmsted Brothers, landscape architects and city planners. The degree of master in city planning, lately authorized by the Harvard Corporation, is the first of its kind to be offered by an American university. Three research projects, as to the height of buildings, the density of residential distribution, and the legal aspects of municipal airports, have been undertaken by the new School of City Planning. These investigations are being carried on, respectively, by Mr. George B. Ford, past president of the American City Planning Institute, Dr. Robert Whitem, present president of the Institute, and Mr. Frank B. Williams, author of *The Law of City Planning and Zoning*.

The fifth session of the Institute of International Relations was held at Mission Inn, Riverside, California, on December 8-13. In addition to numerous lectures and general conferences, there were round tables on Latin American relations, the Orient, modern Russia and the Far East, international law and government, mandates, labor and international policies, resident immigrant problems, and the university program and foreign students. The director of the Institute is Professor Karl C. Leebrick, now of Syracuse University.

The seventh session of the Geneva School of International Studies, Alfred Zimmern, director, will open on July 14 and continue until the meeting of the League of Nations Assembly in September. It will be supplemented, as usual, by a period of lectures and conferences throughout the session of the Assembly. Two series of lectures are carried on simultaneously during the eight-week session, one in English and the other in French; and the general subjects to be treated in successive weeks include the problem of raw materials, European-American economic relations, Islam in the post-war world, the British tradition of government and its extension overseas, and the development of parliamentary institutions in Central Europe. Inquiries may be ad-

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dressed to the School's American office at 218 Madison Avenue, New York City.

Yale University has made plans for an annual conference on international relations to be held at the University for the next three years through the generosity of Mr. Chester D. Pugsley, of Peekskill, N.Y. The leader of the conference will regularly be the visiting professor of political science. To obtain at least two points of view, one other person will be invited to head the conference. Leading authorities and scholars in the field of international affairs will be invited to participate. The program for the first conference will probably be concerned with Anglo-American relations, with particular reference to naval disarmament and the freedom of the seas.

Under the terms of the will of Judge Edwin B. Parker, a member of the Mixed Claims Commission, who died in Washington last November, a graduate school of international affairs, to be affiliated with one of the local educational institutions, will be established in Washington in the near future. Justice Harlan F. Stone is named chairman of the board of supervising trustees. The purpose of the school, as stated in the will, is "to teach high-minded young men of proved character and ability subjects calculated to equip them to render practical service of a high order to the United States government in its foreign relations."

Harvard University has announced the establishment of an Institute of Comparative Law, under the directorship of Dr. Josef Redlich, Fairchild professor of comparative law. The object of the new organization, in addition to giving advanced students an opportunity to study the legal systems of other countries, is to promote investigations bearing upon future legal reforms in the United States. "It is not an accident," says the announcement, "that comparative law, after decades of quiescence, is taking on new life in this country. If we are to proceed wisely in creative juristic activity in the complex society of to-day, we must study scientifically the legal materials of the whole world. The Harvard Law School library on Continental and South American law is remarkably complete and will offer facilities to the student which will exceed the opportunities offered at any other school."

Completion of plans for a research building to house the new Institute of Law at the Johns Hopkins University for scientific study of the

effects of laws on society was announced some time ago by President Ames of the University. The building is the gift of an anonymous donor, who provided \$450,000 for its erection and maintenance. Although the Institute was established only a year and a half ago, several investigations of widespread social importance, some being carried out in coöperation with outside agencies, are well advanced. One, an investigation into the causes for the delays, expenses, and uncertainty of litigation in our civil courts, will shortly become national in scope. A national advisory committee to aid in the work of the Institute has been formed.

A gift of \$400,000 in securities has been made to the Harvard Law School by Mr. Chester D. Pugsley, of Peekskill, N.Y., to provide graduate scholarships in international law for students from all nations of the world. The income of the trust, as stated in the deed, "shall be applied annually for the maintenance of such number of graduate scholarships in international law at the Harvard Law School as there shall be from time to time nations of the world with which the United States of America has diplomatic relations, including, however, as nations, for the purpose hereof, the United States of America, the British self-governing dominions, and India, one of said scholarships to be available for a citizen or subject of each such nation." Sixty scholarships of \$400 each will be available at first, and the income which is not used will be allowed to accumulate until the amount of each award has been increased to \$2,000. At that time, scholarships for this amount will be given.

The fifth annual report of the Social Science Research Council shows important developments during the past year. Of these, most outstanding is the re-definition of Council objectives. The conviction has been growing for some time that the responsibilities of a national body like the Council are wider than the sifting of research projects and the adding to existing research of what, after all, can at best be a very small stream of Council-financed investigations. At the Hanover conference in August, 1929, the central issue was the re-definition of Council objectives. There was general agreement as to the desirability of viewing the facilitation of social research more widely; it was, in fact, felt that, while still keeping concrete research central, the Council might through a variety of activities actually do more to stimulate effective investigations through a program of planning and coördination, in-

cluding many supplementary, supporting aspects of the general problem of social research, than if it confined itself more exclusively to planning and financing a series of investigations. The following definition of the scope of Council objectives was accordingly approved, and initial steps were taken to put certain aspects of the comprehensive program into operation: (a) improvement of research organization, through strengthening and coördinating existing research institutions; (b) development of personnel, through recruitment and training, but especially through enhancement of the attractiveness of research careers; (c) enlargement, improvement, and preservation of materials; (d) improvement of research methods; (e) facilitation of the dissemination of materials, methods, and results of investigations; (f) facilitation of research work, through aid given in the prosecution of projects of research by grants-in-aid and other direct and indirect means; and (g) development of fuller public appreciation of the significance of the social sciences. In general, the reorientation of objectives has been in the direction of use of existing university and other institutions for research rather than in that of an *ad hoc* organization for each piece of research; and, in general, of the indirect, rather than the direct, method of stimulation. Other developments have been the addition of a president, in the person of Professor Edwin B. Wilson, and of a permanent secretary, in that of Mr. Robert S. Lynd. Close coöperation has been established with the national government in planning for important work. A new series of fellowships for Southern students has been established through the generosity of the Julius Rosenwald Fund. Two regional committees have been established, one on the Pacific Coast and one in the South, to keep the Council in closer touch with these areas. R. T. C.

A Social Science Research Building dedicated at the University of Chicago on December 16 and 17, 1929, will house the research activities of the departments of philosophy, sociology, anthropology, history, economics, political science, and the school of social service administration. It will also provide accommodations for the six social science journals published by the University of Chicago Press, i.e., the *American Journal of Sociology*, the *Journal of Political Economy*, the *International Journal of Ethics*, the *University Journal of Business*, the *Social Service Review*, and the *Journal of Modern History*. The building was designed and will be used for research purposes exclusively.

It contains four seminar rooms, one lecture room, an extensive statistical laboratory, an anthropological laboratory, a personality laboratory, and numerous studies and workrooms in which will be prosecuted the various investigations supported by the Local Community Research Committee. The dedication ceremonies were attended by Sir William Beveridge, director of the London School of Economics and Political Science, Professor Albrecht Mendelssohn-Bartholdy, of the University of Hamburg, Professor Célestin Bouglé of the Sorbonne, and representatives of seven university social science councils. Papers were read by the foreign delegates; also by Professor Wesley C. Mitchell, of Columbia University, on "The Function of Research in the Social Sciences;" Dr. John C. Merriam, president of the Carnegie Institution, on "Significance of the Border Area between Natural and Social Sciences;" Dr. Milton C. Winternitz, dean of the Yale Medical School, on "Research in the Medical and Social Sciences;" Dr. Harold G. Moulton, president of the Brookings Institution, on "Coöperation in Social Science Research;" Professor Franz Boas, Columbia University, on "Some Problems of Methodology in the Social Sciences;" Mr. Beardsley Ruml, director of the Spelman Fund, on "Recent Trends in the Social Sciences;" and Professor C. Judson Herrick, of the University of Chicago, on "The Scientific Study of Man and the Humanities." Dedication ceremonies were concluded at the Autumn Convocation, at which the address was given by Dr. Edwin B. Wilson, president of the Social Science Research Council.

Mr. Luther Gulick, of the National Institute of Public Administration, has been retained by the New York State Commission on Old Age Security to organize and direct its research work. This commission was appointed jointly by the legislature and the governor at the close of the 1929 session of the legislature; and the act providing for it requires it not only to study the problem of old age pensions, but to deal with the institutional provision for the aged, particularly through district infirmaries. The research work of the Commission has been organized under the following heads: (1) Review of legislation, including an analysis of American and European old age assistance legislation, the history of the New York State poor law, and an examination of the pension surveys of state commissions, especially in Pennsylvania, Massachusetts, and California. (2) An examination of public and private retirement systems, including national, state, municipal, and

industrial pension plans covering citizens of the state of New York. (3) A study of self-preservation for old age security through insurance, savings, investments, and family relationships. (4) A survey of institutional provision for the aged, particularly through public homes and hospitals and through private homes. (5) An examination of public and private relief to the aged in their homes. As a part of this study, special surveys have been made, particularly in the cities of the state, to determine the number of individuals and the amount spent for outdoor relief through all organized charitable groups, including denominational and other charities. Special attention is being devoted to the aged who are receiving assistance through soldiers' relief, blind relief, mothers' pensions, and through peddlers' licenses in New York City. (6) A special census of the aged to determine their economic and social status, following the general schedule used in the famous census of the aged in Massachusetts, is being made in four townships in Otsego county, which has been selected as a sample rural community. Unlike the Massachusetts study and the National Civic Federation study, this census of the aged is based, not on voters' lists, or a sampling process, but on visits to all of the homes in the geographic areas selected. It is thus a true census. Similar studies on the basis of selected blocks are being made in New York City, Buffalo, Geneva, Canton, Schenectady, Ithaca, Saratoga Springs, Troy, and Aurora by advanced students of colleges and universities, under the supervision of professors of economics, sociology, and government. It will be the purpose of this study to determine how many individuals there are in the sample rural and urban communities selected who may qualify for old age assistance as to age, as to means, and as to family connections. (7) With the aid of a special appropriation from the Spelman Fund of New York, the Commission is undertaking a survey of the age distribution of those gainfully employed in the state of New York. The Associated Industries of New York State is coöperating in this part of the project. The study will include likewise an age distribution of new employees and an age distribution of separations, the object being to furnish factual information with regard to the age factor in industry. A special effort will be made to classify the material by new industries and old industries, by hand industries and highly mechanized industries, and by light manufacture and heavy manufacture. It is expected that the Commission will report to the legislature early in 1930.

The University of California has recently announced plans for the expansion of its program in graduate training and research in public administration, for which purpose there has been set aside for the first six years (in addition to existing expenditures) a minimum sum of \$262,000, of which \$182,000 has been contributed by the Rockefeller Foundation and \$80,000 by the University of California. It is proposed "to develop and expand the facilities at the University of California so that there may be applied to the important problems of government administration the organized intellectual resources of the University, coördinated into carefully considered programs of library development, investigation, research, publication, and instruction, in order to understand and make known to students, officials, and the public the underlying principles and practices of government administration which seem to accomplish the most efficient and desirable results; and best to prepare future government officials for effective public service." The announcement states the following objectives: (1) To collect, classify, and make available the existing materials and information which are required for an understanding of the varied work of government; to publish bibliographies, guides, and manuals, so that faculty, students, and officials may compare, correlate, and interpret existing knowledge pertaining to public administration. (2) To develop systematically through the various existing departments of the University a continuous and coördinated program of comparative field investigations concerning the administrative structure for the performance of government work; the actual practices and methods used; and the interrelations between different governmental units. (3) To bring about coördination of research among departments interested in special government fields. (4) To establish and conduct carefully planned coöperative programs of research in those fields of public administration not now fully developed by the University: such as, the administration of criminal justice, the administration of civil justice, various phases of city and regional planning, and police administration. (5) To encourage, develop, and maintain research concerning the fundamental principles of public administration and its relationship to the legislative, judicial, and executive branches of government. (6) To coöperate with the civic organizations, bureaus of government research, leagues of municipalities, public officials, and individuals in securing or giving information, making investigations, and conducting research. (7) To publish the results of investigation

and research in public administration. (8) To prepare teaching material based upon investigations and research. (9) To establish a co-ordinated graduate curriculum of upper division and graduate instruction, so that mature specialists in fields which are found in both governmental and private work may obtain a knowledge of the peculiarities of the specialty as applied to government, its relationship to other governmental functions, and to the supervisory and controlling agencies of general administrative structure. (10) To introduce new courses in fields of public administration not fully covered by existing instruction. (11) To offer upper division and graduate instruction in those aspects of public administration which are applicable to all government organization units regardless of the particular function each may perform. (12) To carry on a continuous study of the opportunities and requirements of the public service, so that educational problems in training for government administration may be solved intelligently, and that properly prepared students may find suitable positions. In addition to the graduate work, the plan includes important coöperative arrangements with, and additional financial assistance by, governmental agencies, detailed announcements concerning which will be made in the near future. Seven special research projects are contemplated, including: (a) a study of the interrelations of the communities comprising the San Francisco region; (b) the administrative relationships between federal, state, and local governments; (c) personnel problems; (d) legislative drafting; (e) the administration of criminal justice in the state of California; (f) the annual publication of critical annotated guides to the literature of state and federal administration. The training program will involve the coördination of approximately one hundred existing courses which now deal with various phases of public administration, and the introduction of new courses not at present adequately covered. The project was planned and will be directed by Professor Samuel C. May, of the department of political science. Factors which should contribute to the success of the undertaking are the unusual library facilities of the Bureau of Public Administration, of which Professor May is director, the large number of graduate students now working in this field, and the coöperative attitude of state and local officials.

Annual Meeting of the American Political Science Association.
The twenty-fifth annual meeting of the American Political Science

- Association was held at the Jung Hotel, New Orleans, December 27, 28, and 30, 1929. The registration was 127, as compared with 235 in Chicago in 1928, 292 in Washington in 1927, and 157 in St. Louis in 1926. The outstanding event of the meeting was the testimonial luncheon given at "La Louisiane" on December 28 in honor of President-Emeritus Frank J. Goodnow of the Johns Hopkins University, the first president of the Association. The program, in full, was as follows:

FRIDAY, DECEMBER 27

10:00 A.M. General Session on Impeachments.

Presiding Officer: William Anderson, University of Minnesota.

The Impeachment of Governor Long of Louisiana.

N. F. Baker, Tulane University.

Impeachment in Texas.

Frank M. Stewart, University of Texas.

Impeachments of Oklahoma Governors, 1924 and 1929.

Cortez Ewing, University of Oklahoma.

12:30 P.M. Subscription Luncheon.

Presiding Officer: John A. Fairlie, University of Illinois.

Do Public Service Commissions Adequately Protect the Public Interest?

W. E. Mosher, Syracuse University

2:30 P.M. Round Table Meetings.

1. County Government.

C. M. Kneier, University of Nebraska, Director, Friday and Saturday.

Friday: *The Position of the County in Our Governmental System.*

Discussion led by: F. G. Bates, Indiana University; I. L. Pollock, University of Iowa; F. G. Crawford, Syracuse University; W. C. Murphy, West Virginia University; W. W. Mather, Chaffey Junior College, California.

Saturday: *Changes in the Structure and Organization of County Government.*

Discussion led by: James W. Errant, University of Oklahoma; Kirk H. Porter, University of Iowa; R. L. Carleton, Louisiana State University.

Monday: *City-County Consolidation.*

Thomas H. Reed, University of Michigan, Director.

Discussion led by: Isidor Loeb, Washington University, "St. Louis and St. Louis County;" A. W. Bromage, University of Michigan, "Boston and Suffolk County;" James Hart, Johns Hopkins University, "The Two Baltimores;" Rowland A. Egger, Princeton University, "The Federated Plan of Consolidation."

2. National and State Administration.

L. M. Short, University of Missouri, Director.

Friday: *Discussion led by:* W. F. Willoughby, The Brookings Insti-

tution, "Organization for Financial Control;" Charles P. White, University of Tennessee, "Certain Phases of State Fiscal Administration."

Saturday: *Discussion led by:* Harvey Walker, Ohio State University, "Theory and Practice in State Administrative Organization;" James Hart, Johns Hopkins University, "Law and Policy of Executive Tenure under the Constitution."

Monday: *Discussion led by:* S. C. May, University of California, "Types of Research in Public Administration."

3. *Pressure Groups.*

Friday: "Pressure Groups in Legislation." E. B. Logan, University of Pennsylvania, Director. *Discussion led by:* P. H. Odegard, Williams College.

Saturday: "Pressure Groups in Primaries and Elections." E. P. Herring, Harvard University, Director. *Discussion led by:* E. B. Logan, University of Pennsylvania.

Monday: "Pressure Groups and the Executive." P. H. Odegard, Williams College, Director. *Discussion led by:* E. P. Herring, Harvard University.

4. *Types of Political Personalities.*

Harold D. Lasswell, University of Chicago, Director.

Friday: *The Type Concept.*

Discussion led by: F. H. Allport, Syracuse University, "The Psychological Viewpoint;" Carl J. Friedrich, Harvard University, "The Cultural Viewpoint."

Saturday: *Research Reports.*

Discussion led by: George B. Vetter, New York University, "Certain Typical and Atypical Personalities;" J. T. Salter, University of Oklahoma, "Division and Ward Leaders in Philadelphia."

Monday: *Reports and Projects.*

Discussion led by: Max Handman, University of Texas, "Psychology of a Nationalist Leader;" Donald Slesinger, Yale University, "Studying the Psychology of Judges;" W. Brooke Graves, Temple University, "Types of Appeals in Presidential Campaigns."

5. *Public Personnel Policies.*

W. E. Mosher, Syracuse University, Director.

Friday: *Discussion led by:* W. E. Mosher, Syracuse University, "Adequacy of the Civil Service Commission as the Personnel Agency of the Government."

Saturday: *Discussion led by:* H. Eliot Kaplan, National Civil Service Reform League, "Defense of the Civil Service Commission;" James E. Errant, University of Oklahoma.

Monday: *Discussion led by:* Frank M. Stewart, University of Texas, "Suggestions for a New Type of Agency."

6. *Current Trends in Political and Legal Thought.*

W. J. Shepard, Ohio State University, Director.

Friday: "The Decadence of the Democratic Doctrine." *Discussion*

led by: John Dickinson, University of Pennsylvania Law School; William Anderson, University of Minnesota; John M. Gaus, University of Wisconsin.

Saturday: "Modern Conceptions of Law." *Discussion led by:* Karl N. Llewellyn, Columbia University Law School; Norman Wilde, University of Minnesota.

Monday: "The Pragmatic Approach to Political Science." *Discussion led by:* George H. Sabine, Ohio State University; R. K. Gooch, University of Virginia; Thomas Reed Powell, Harvard Law School.

7. *Legislatures and Legislation.*

A. R. Hatton, Northwestern University, Director.

Friday, December 27: *The Ills of Legislatures.*

Saturday, December 28: *Remedies for Legislative Defects.*

Monday, December 30: *Remedies for Legislative Defects.*

Discussion leaders: Thomas S. Barclay, Stanford University; DeWitt Billman, Secretary, Illinois Legislative Reference Bureau; H. W. Dodds, Princeton University; Cortez Ewing, University of Oklahoma; George H. Hallett, Secretary, Proportional Representation League; Frank E. Horack, State University of Iowa; Henry W. Toll, Member Colorado State Senate, President American Legislators Association; Harvey Walker, Ohio State University.

4:00 P.M. **Meeting of Executive Council and Board of Editors**

8:15 P.M. **Presidential Addresses.**

Joint Meeting with the American Association for Labor Legislation.
Presiding Officer: Dean M. A. Aldrich, Tulane University.

John A. Fairlie, President, American Political Science Association.
Thomas I. Parkinson, President, American Association for Labor Legislation.

SATURDAY, DECEMBER 28

10:30 A.M. **Round Table Meetings.** As indicated for preceding day.

12:30 P.M. **Subscription Luncheon.**

Presiding Officer: John A. Fairlie, University of Illinois.

Address: Frank J. Goodnow, Johns Hopkins University.

A tribute to President Goodnow was read by the Secretary-Treasurer of the Association on behalf of Dr. Charles A. Beard, and informal remarks were made by Ernst Freund, University of Chicago, and Lindsay Rogers, Columbia University.

2:00 P.M. **General Session on Foreign Governments.**

Presiding Officer: Frederic A. Ogg, University of Wisconsin.

British Party Organization.

James K. Pollock, Jr., University of Michigan.

The New Fascisti Council.

H. B. Spencer, Ohio State University.

Some Phases of Judicial Review of Legislation in Foreign Countries.

C. G. Haines, University of California.

4:00 P.M. Annual Business Meeting of the Association.

Presiding Officer: John A. Fairlie, University of Illinois. Annual Report of the Secretary-Treasurer and of the Managing Editor of the *American Political Science Review*. Election of Officers for 1930.

6:30 P.M. Joint Subscription Dinner with the American Association for Labor Legislation.

Presiding Officer: John A. Lapp, Marquette University.

The Annals of Law—A Storehouse of Material for Inquiry in the Social Studies.

Walton H. Hamilton, Yale University.

8:30 P.M. General Session on International Relations.

Presiding Officer: A. R. Hatton, Northwestern University.

Congress, the Department of State, and the Foreign Service.

Irvin Stewart, The American University.

Recent Developments in the Policy of the United States with Respect to Latin America.

J. W. Garner, University of Illinois.

MONDAY, DECEMBER 30**9:30 A.M. Joint Meeting with the Association of American Law Schools.**

Judicial Organization with Especial Reference to Appellate Courts.

Presiding Officer: John A. Fairlie, University of Illinois.

The Functions of Courts of Review.

Walter F. Dodd, Yale University Law School.

Intermediate Courts of Review.

Edson R. Sunderland, University of Michigan Law School.

Discussion led by: Felix Frankfurter, Harvard University Law School;

Judge Rufus E. Foster, U. S. Circuit Court of Appeals, Fifth

Circuit; Hon. Monte E. Lemann, New Orleans; Rufus C. Harris,

Tulane University Law School; Silas H. Harris, Ohio State Uni-

versity Law School.

12:30 P.M. Subscription Luncheon.

Presiding Officer: B. F. Shambaugh, State University of Iowa.

Police Administration.

August Vollmer, University of Chicago.

2:30 P.M. Round Table Meetings.

As indicated for first day.

The Secretary-Treasurer reported a net increase of 103 in the membership of the Association during the year, the total membership being 1,904, of whom 77 were associate members, 49 life members, 20 sustaining members, and 590 libraries.

The balance sheet, operating account, and trust fund account for the fiscal year December 15, 1928, to December 15, 1929, were presented by the Secretary-Treasurer, as follows:

BALANCE SHEET

December 15, 1929

Assets*Cash on Hand—Operating Fund:*

Cash in Bank—Checking Account	\$ 590.40
Petty Cash .....	.20
Savings Account	700.00

\$ 1,290.60

Trust Fund:

Savings Account	\$ 765.60
U. S. Treasury Bonds	1,535.29

\$2,300.89

Accounts Receivable—Members' Dues:

One Year Unpaid	\$ 832.50
Two Years Unpaid	612.00
Life Memberships	230.00

\$1,681.50

Accounts Receivable—Index, Publications, etc.

127.00

Total Assets

\$ 5,399.99

Liabilities and Surplus

Dues Advanced by Members	\$ 1,407.88
Surplus of the Association	3,992.11

Total Liabilities and Surplus

\$ 5,399.99

Operating Fund*Cash Receipts and Disbursements**For the Year Ending December 15, 1929**Receipts—1929:*

Dues Collected from Members	\$7,762.38
Special Contributions	165.12
Sale of Publications	241.10
Advertising	462.73
Sale of Index	52.00
Sale of Mailing List	38.00
Special Reprints	12.35
Miscellaneous	1.45

Total Receipts

\$ 8,735.13

Cash on Hand—December 15, 1928

1,768.20

Total Cash Available

\$10,503.33

Disbursements in 1929:

Review—Printing	\$5,111.27
Review—Reprints, Postage, etc.	381.40
Managing Editor—Miscellaneous Expense	657.25
Managing Editor—Traveling Expense	47.50
Honoraria to Contributors	477.03
Honorarium to Managing Editor	600.00
Secretary and Treasurer—Clerical and Stenographic	837.50
Secretary and Treasurer—Stationery, Printing, and Postage	489.94
Secretary and Treasurer—Traveling Expense	117.98
Secretary and Treasurer—Miscellaneous Expense	54.51
Dues—American Council of Learned Societies	87.35
Index Cost	2.17
Equipment	42.60
Annual Meeting Expense	260.78
Auditing	34.50
Miscellaneous	10.95
<i>Total Disbursements</i>	<u>9,212.73</u>
<i>Cash on Hand—December 15, 1929</i>	<u>\$ 1,290.60</u>
Consisting of:	
Cash in Savings Account	\$ 700.00
Cash in Checking Account	590.40
Petty Cash .....	.20
	<u>\$ 1,290.60</u>

Trust Fund

*Cash Receipts and Disbursements
For the Year Ending December 15, 1929*

Receipts—1929:

Interest on Savings Account	\$ 60.55
Interest on Bonds	50.61
Collections on Life Memberships	95.00
<i>Total Receipts</i>	<u>\$ 206.16</u>
<i>Cash on Hand in Fund—December 15, 1928</i>	<u>559.44</u>
<i>Cash on Hand in Fund—December 15, 1929</i>	<u>765.60</u>

The operating estimates for 1930 called for a balance and receipts of \$11,100.60, expenditures of \$9,793.00, and a balance on December 15, 1930, of \$1,307.60.

At the annual business meeting the following officers were elected for the year 1930: president, Benjamin F. Shambaugh, State University

of Iowa; first vice-president, Chester Lloyd Jones, University of Wisconsin; second vice-president, Robert C. Brooks, Swarthmore College; third vice-president, Thomas H. Reed, University of Michigan; secretary-treasurer, Clyde L. King, University of Pennsylvania; members of the Executive Council for the term ending December 31, 1932: William S. Carpenter, Princeton University; Frederic H. Guild, University of Kansas; Charles E. Hill, George Washington University; Raymond Moley, Columbia University; Lent D. Upson, Detroit Bureau of Governmental Research.

Upon the nomination of the Managing Editor, the Board of Editors of the *American Political Science Review* was continued unchanged except that the resignation of Professor John A. Fairlie was accepted and his place was filled by the election of Professor Walter F. Dodd. In announcing the change, the Managing Editor stated that Professor Fairlie had offered to withdraw from the Board upon a number of previous occasions, and that his resignation had been accepted only when his position as a former president of the Association would make it possible for him to continue to participate in the Executive Council.

At the meeting of the Executive Council it was voted to refer to the Committee on Policy the question as to the desirability of amending the constitution of the Association so as to bring it into accord with the practice of inviting the members of the Board of Editors of the *Review*, and also former presidents, to participate in the meetings of the Executive Council; and to refer to the same committee the question of the advisability of establishing relations between the American Political Science Association and other organizations in the field of political science which have sprung up in some of the states and sections of the country.

The following resolution was adopted at the annual business meeting of the Association:

Resolved: That it is the judgment of the American Political Science Association that it is highly desirable that the universities and colleges assume at least a part of the transportation expense incurred by members of their instructional staffs in attending meetings of learned societies within their respective professional fields; and that this policy be not made contingent upon holding office in the society or participating in the programs of its meetings.

Moved: That a committee of three, including the secretary, be appointed to conduct an inquiry through the departments of political science in universities and colleges with respect to the payment of transportation expenses to professional meetings, and the extent to which this question has been considered by faculties and administrative officials, and to report the results.

Also the following resolution:

Whereas the American Political Science Association, with other societies having a professional interest in the same object, last year made representations to the Department of State respecting the need for adequate provision for the publication of current documentary and other material dealing with the conduct of American foreign relations: and

Whereas the Department of State, under the direction of the Historical Adviser, has now inaugurated a series of "Publications of the Department of State"—consisting of weekly press releases, the monthly Bulletin of Treaty Information, the monthly Diplomatic List, the quarterly Foreign Service List, the occasional Latin American, European, and other sub-series, the annual Register of the Department of State and Papers Relating to Foreign Relations of the United States, etc.: and

Whereas the entire series may be subscribed for by placing a deposit account of about \$10.00 per year with the Superintendent of Documents, Government Printing Office, while sub-series may be subscribed for at fixed sums;

Therefore be it resolved: That the American Political Science Association congratulates the Department of State upon inaugurating a current publication program calculated to provide teachers, practitioners, students, and others with accurate information as to present foreign relations of the United States;

That the Association urges its membership to take full advantage of these new and official aids to teaching and citizenship; and

That the Association expresses the opinion that it is desirable that the Superintendent of Documents and the Public Printer organize the printing and distribution of the publications of the Department of State in such a manner that speedy service to subscribers may be given, thereby encouraging both an increase in the number of subscriptions and the confidence of subscribers that the publications may be depended upon as a regular source of essential information.

Resolutions were adopted also thanking Professor M. J. White, of Tulane University, for the thoroughly efficient manner in which he had planned and carried through the local arrangements for the meeting and for the comfort and entertainment of those in attendance; and thanking Professor Clyde L. King, chairman, and the other members of the program committee, for the excellent program which they had arranged.

J. R. HAYDEN, *Secretary*.

It is appropriate to add that a vote of appreciation was also tendered Professor Hayden for his faithful and efficient discharge of the duties of secretary-treasurer during the past four years.

Managing Editor.

BOOK REVIEWS AND NOTICES

EDITED BY A. C. HANFORD

Harvard University

The New Despotism. BY LORD HEWART OF BURY, Lord Chief Justice of England. (New York: The Cosmopolitan Book Corporation. 1929. Pp. 311.)

Administrative Law. BY FREDERICK JOHN PORT. With a Foreword by Right Honourable Lord Justice Sankey. (New York: Longmans, Green and Co. 1929. Pp. xxii, 374.)

"What's the matter? What's the matter?" chirps the Lord Chief Justice of England at the commencement of his new book; and it turns out that the matter is the peril of bureaucracy which impends over the British Isles because of the exemption of administrative agencies from proper judicial control. Lord Hewart adroitly concentrates his initial attack on certain particularly outrageous types of clauses which have found their way into recent British statutes. One such clause, to which he calls attention in his opening paragraph, gives authority to the minister to make rules and orders for the administration of an act, and then goes on to provide that "any such order may modify the provisions of this act so far as may appear to the minister necessary or expedient for carrying the order into effect" (Unemployment Insurance Act of 1920; Rating and Valuation Act of 1925). Such a clause obviously ousts completely the jurisdiction of the courts to inquire whether an administrative order is *ultra vires* under the enabling statute, since the order may validly alter the statute.

Another type of clause vests absolute discretion in the minister to make rules or orders "as he shall think fit," without requiring him to conform his judgment of fitness to any standard laid down in the statute (Roads Act of 1920). Clauses of a third type invest rules made by the minister with "the same effect as if enacted in this act" (Electricity Supply Act of 1919). A fourth type provides that confirmation of an order by the minister "shall be conclusive evidence that the requirements of this act have been complied with, and that the order has been duly made and is within the powers of this act." A clause of this type was before the courts in *Ex parte Ringer* (25 *Times Law Reports*,

718), where it was held that "the section gives to an order made by a public department the absolute finality of an act of Parliament . . . and the court had no power to interfere with the decision of the department." These results are possible because, in the absence of constitutional limitations on the legislative supremacy of Parliament, the courts are not in a position to insist, as they do in the United States, that a delegation of power to administrative officials must prescribe at least the general standard by which the officials are to act, so that their action may be held void if in the opinion of the court it transgresses the prescribed standard. In other words, the particular bureaucratic dangers threatened by such clauses are not ones that in this country we have to fear.

Lord Hewart admits that "it is tolerably obvious that the system of delegation by Parliament of powers of legislation is within certain limits necessary, at least as regards matters of detail. . . . It may be conceded that the system, if not abused, and subject to proper safeguards, may have its uses. It is the abuse of the system that calls for criticisms, and the greatest abuse . . . is the ousting of the jurisdiction of the courts" (pp. 85-86). Unfortunately, his Lordship's criticisms do not always keep within the limits thus judiciously laid down. Running through the book, and rising at times to an emotional pitch, is a spirit of distrust toward the system of administrative control and all its works, as distinguished from the older "rule of law," under which all laws were supposedly made by the will of the nation in Parliament, and left to be applied to particular cases by an independent judiciary insulated against political influences. Lord Hewart smells conspiracy about him—the conspiracy of Whitehall bureaucrats and "experts" plotting to foist a New Despotism on a land whose greatest pride, he tells us in words borrowed from Kipling, has always been

"Ancient right unnoticed as the breath we draw—
Leave to live by no man's leave, underneath the Law."

"For whose benefit," asks his Lordship, "and at whose request, is this mountain of statutes, and this still greater mountain of rules, orders, and regulations built up from year to year? The conclusion seems to be unavoidable that the present movement is in a vicious circle. The greater the army of officials, the greater becomes the mass of parliamentary and departmental legislation, the greater becomes the army of officials, and so on, *ad infinitum*. Is not that, at any rate, a mood

that should be bridled? What is needed is to reassert, in grim earnest, the sovereignty of Parliament and the rule of law" (p. 156). "The conclusion is irresistible," he says, that this vicious circle "is manifestly the offspring of a well-thought-out plan to clothe the Department with despotic powers" (p. 159). The Lord Chief Justice has an old-fashioned downright suspicion of the argument that "it is necessary or desirable for Parliament to attempt the many-sided activity which is put forward as a pretext;" and he quotes with approval the pronouncement of Mr. Justice Eve that "it is alarming to contemplate the increasing scope of legislative interference in these matters which in the past had been considered the private affairs of the citizen. . . . Individual liberty and corporate activities would find themselves hampered by unnecessary restraints" (p. 166). To this last statement a footnote in the manner of Gibbon might refer to the Hatry scandal, now in the public eye.

The emotional momentum of his Lordship's reasoning thus carries him, and is almost certain to carry uninformed readers, farther than his argument warrants, and farther than is necessary to make out the case which he has a good chance of sustaining—namely, that the system of administrative regulation, as it now exists in England, has been pushed to extremes, and ought to be brought under closer control by Parliament, on the one hand, and by the courts, acting with the leave of Parliament, on the other. As to the first point, Lord Hewart would have Parliament exercise closer scrutiny over departmental regulations before they become effective than is generally provided for under existing practices as to the laying of such regulations before Parliament. He objects to the accuracy of the statement that "usually Parliament retains some control by a provision in the act that the rules drawn up by the executive shall be laid before Parliament in draft for a certain number of days, and become operative only in the absence of an address from either House against the draft or any part thereof." "Such a provision," he says, "is probably not to be found in one per cent of the statutes conferring legislative powers, and in the great majority of such statutes there is no provision for parliamentary control of any sort" (pp. 94-95).

Lord Hewart objects to the making of departmental regulations "behind the back of Parliament" and proposes that the Rules Publication Act be amended "so as to secure a real and effective parliamentary supervision over all rules and orders" (p. 155). He wisely does not

labor this point; for if direct parliamentary action were to be required on each piece of subordinate legislation to give it validity, there would be slight advantage in having delegated legislation at all. He is on firmer ground when he insists on the elimination from statutes of such clauses as those outlined in the first paragraph of this review; but his contention that the courts should have a broad power to pass on the "reasonableness" of departmental regulations seems to go unnecessarily beyond the American practice of allowing them merely to test such regulations by the standard prescribed in the statute. He opposes the practice of allowing the departments to compromise the judiciary and foreclose legal questions by securing in advance advisory opinions on moot cases; and he has something, though not so much as one might expect, to say about the issue raised by the *Arlidge* case (L.R. [1915] A.C. 120), i.e., the necessity of fair hearing in quasi-judicial administrative proceedings. In this connection, it is interesting to note that there was nothing in any statute which dictated the result reached in the *Arlidge* case. The courts had an opportunity to protect individual rights against star-chamber administrative methods, and failed to use it. Must we suppose them parties to the conspiracy which the Lord Chief Justice is tracking down?

Lord Hewart's book is a piece of advocacy; Dr. Port's essay is an attempt at exposition of the developments which have so roused the Chief Justice. In a volume of 374 pages, unduly bulky because of the thickness of the paper, he has undertaken to define administrative law, to give a sketch of its background from William the Conqueror to 1832, to discuss the problems of the separation and interrelation of governmental functions, to summarize the present British practices of subordinate legislation and quasi-judicial administrative action, and to report on the present position of administrative law in the United States and in France. The result of this breadth of canvas is that the two chapters on delegated legislation and quasi-judicial administrative action in present-day Britain, which form the meat of the book, are necessarily mere sketches, made by exhibiting a number of samples.

It is hard to tell whether the samples are meant to exhaust the typical situations or are chosen more or less at random. Unlike Lord Hewart, Dr. Port seems to feel that existing provisions for laying administrative regulations before Parliament are sufficient; but he agrees with his Lordship in regarding as unfortunate the curtailment of the power of the courts to decide whether or not delegated legislation is *ultra vires*,

"thereby annulling the most powerful guarantee of strict legality and impartiality" (p. 109). Dr. Port gives more consideration than Lord Hewart to quasi-judicial administrative action. Here his principal criticisms are directed against the doctrine of the *Arlidge* case, and against the denial of judicial review on questions of law, illustrated in such cases as *Board of Education v. Rice* ([1911] A.C. 179). He suggests, however, that appeals on points of law should go to a special tribunal, consisting in part of administrative experts, which should apparently also have jurisdiction to review mixed questions of law and fact (p. 349).

It is interesting to note that the American development of administrative law has, either by statute or by decision, avoided precisely the results which both Lord Hewart and Dr. Port find most open to criticism in the current British practice.

JOHN DICKINSON.

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Making Fascists. BY HERBERT W. SCHNEIDER and SHEPARD B. CLOUGH. (Chicago: University of Chicago Press. 1929. Pp. xv, 211.)

The fifth volume of Professor Merriam's "Studies in the Making of Citizens," like its predecessors, is a product of competence. Before this project was placed in their hands, Mr. Schneider had already given a demonstration of his capacity in his book on *Making the Fascist State*, and Mr. Clough had long been at work on nationalism in Belgium. The former is a philosopher (who fain would not be?) and the latter is an historian (a philosopher working in time); hence the combination is excellent. Of course, formalists in political science may miss some categories in the present volume, and complain with some justification, perhaps, but the intrusion of intellectual forces from a new angle is always a gain in the eyes of those who are expecting more light to break in on the canon handed down by the Fathers.

In its very structure the volume reveals penetration. The first part deals with group attitudes: economic groups, regional and racial differences, international relations, and Catholicism. The second part covers the techniques of civic training: education, military training, the bureaucracy, the Fascist party, the Fascist press, patriotic organizations, symbolism, and traditions. It is not here a case of Rousseau's abstract men, free and equal, one hundred per cent pure and fire-proof,

but of group men, with group interests, traditions, and proclivities. Nor is it a question of public opinion arising freely out of the ferment of free debate, but of stereotypes imposed by dominant organizations on the mind of the masses.

The spirit of the pageant is disclosed in a single passage from a Fascist school-book: "As there is one official religion of the state, the Catholic, so today there must be only one political faith, Fascism, which is synonymous with the Italian nation. As the Catholic must have a blind belief in the Catholic faith and obey the Catholic Church blindly, so the perfect Fascist must believe absolutely in the principles of Fascism and obey the hierarchical heads to whom he owes allegiance without reserve." Perfection could not be more perfect.

But, as our authors show, in application there are difficulties, and, though frozen under balmy skies, Italy moves. There is friction at the joints where classes are forcibly integrated. Fascism and Catholicism, though nominally at peace, are in perpetual strife in their efforts to get a grip on Italy's social and intellectual life. The former, a nationalist cult, demands attitudes and convictions at war with the fundamentals of the Church Universal; the latter, though essentially Italian, has traditions and ideals not exactly in accord with the creed of imperial, conquering, immortal, secular Rome. Moreover, as our authors make clear, the clamor of Fascism shifts from the right to the left and from the left to the right in spite of its "eternal truth," so that it requires a great deal of mental flexibility for the faithful to keep up with the hierarchy. And that raises an interesting question: Can the Italian mind be kept mobile enough to follow the zig-zags of Fascism without acquiring a momentum that might carry it out of the perfect balance? Schneider and Clough suggest that there is some humor as well as political science in the situation.

CHARLES A. BEARD.

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La Civiltà Fascista illustrata nella dottrina e nelle opere. Published under direction of GIUSEPPE LUIGI POMBA. (Turin: Unione Tipografico-Editrice Torinese. 1928. Pp. 688.)

Storia del Fascismo. BY GIORGIO PINI AND FEDERICO BRESADOLA. (Rome: Libreria del Littorio. 1928. Pp. viii, 515.)

A Survey of Fascism. The Year Book of the International Center of Fascist Studies. Volume I. (London: Ernest Benn Limited. 1928. Pp. 241.)

Unfortunately, we mortal beings are much less anxious to see ourselves as others see us than we are to make sure that others see us as we see ourselves. Few of us are capable of minimizing the importance of our actions in writing our autobiographies, and not one of us would ever select other than the most flattering proof sent to us by our photographer. We are an egotistic lot; we always try to look our best when appearing in public. The student of history comes very early in his career to realize this feature of human nature and to make allowance for it. He is thus able to make use of autobiographies, self-portraits, and confessions, and finds in them source material of the first order.

The three books under consideration are Fascist self-portraits. They are all written by Fascists. But one should not condemn them *à priori* for that; one should simply make allowance for it. This having been done, one will find that each volume contains information which will improve one's knowledge of the Fascist régime.

By far the best of the three books is *Civiltà Fascista*. It is a co-operative work. Among the contributors to it are Marinetti, Alfredo Rocco, Giovanni Gentile, Gioacchino Volpe, Edmonds Rossoni, Giuseppe Bottai, and Italo Balbo. The value of the articles varies greatly. The section devoted to the history of Fascism is particularly weak. So much space is devoted to "interpretation" that the facts do not stand out in bold relief; or, when they do stand out, they deal with unimportant details concerning events such as the March on Rome (pp. 82 ff.). The section in which the theory of Fascism is treated is better. The article by Gentile is a good statement of his position in the movement, although he gives one to believe that his philosophy is the philosophy of Fascism. Marinetti, on the other hand, gives the impression that *Futurismo* dominates the Régime.

The best part of *Civiltà Fascista* is the section which deals with *Le Opere*, the work, of Fascism. Without exception, these articles are written by competent persons in the various fields of Fascist endeavor. They treat industry, syndicalism, agriculture, *Dopolavoro* (the workers' social organization), schools, the army, the Fascist militia, youth organizations, the press, etc. They are laudatory, to be sure, but they contain real information concerning what Fascism is doing. If

one desires still more information than they present, one will find at the back of the book an excellent bibliography to guide one's further reading.

The Survey of Fascism attempts to cover on a small scale the material treated in *Civiltà Fascista*. The attempt is, however, a miserable failure. One would expect a "yearbook" of this nature to contain source material covering the history of Fascism. As a matter of fact, the book contains very little information, and what it does contain is so mixed with blatant propaganda that it is of little practical value. The best articles in the book are the following: G. Volpe, "The Birth and Establishment of Fascism in Italy," which is very similar to the one he wrote for *Civiltà Fascista*; J. S. Barnes, "The Reform of the State in Italy," and E. Amicucci, "The Liberty of the Press."

In the last place, we come to a consideration of the *Storia del Fascismo* by Pini and Bresadola. Pini is the editor of *L'Assalto*, a small *journal de lutte* of Bologna; Bresadola is his close friend and aid. As one might expect, the book is written in the spirit of the *arditi*. It traces the political history of Italy from the fall of Crispi to the Fascist Labor Charter. An attempt is made to show that a spirit for a new Italy has been steadily growing, and that this spirit has been exemplified by pre-war imperialism, by *interventismo*, by the birth of the Fascist party, and by Fascist rule. If one takes cognizance of the writer's bias, one will find the book an illuminating consideration of the political phase of Fascism from 1919 to 1927. To the reviewer's mind, this is one of the best treatments of the political history of Fascism that has thus far appeared.

SHEPARD B. CLOUGH.

Columbia University.

Les Transformations récentes du Droit public Italien. BY SILVIO TRENTIN. (Paris: Marcel Giard. 1929. Pp. xxiii, 696.)

The author of this book was professor of public law in several Italian universities and is now living in France in exile. This work appears as the twenty-fifth volume of the "Bibliothèque de l'Institut de Droit Comparé de Lyon," and was prefaced by J. Bonnet, of the University of Bordeaux. Though the author is a convinced opponent of the present Fascist régime, and though sometimes a suppressed feeling of exacerbation vibrates in his tone, he is always fair in his presentations and logical in his conclusions. In spite of the fact

that the literature of Fascism—Italian and foreign—already fills a comprehensive library, nevertheless the present volume can be regarded as unique in its scope and treatment. Its uniqueness consists in the fact that the author considers his task as essentially jural. The underlying social, political, and historical facts are scarcely touched, whereas the bulk of the book is devoted to a thoroughgoing analysis of the Fascist system as a constitutional framework and method of procedure. In order to show what the Fascist constitution really means, he gives in the first part of his book a penetrating study of the former constitution—the famous Charter of Charles Albert—which is still accepted, at least theoretically, as the foundation of the Italian public life. This analysis, however, is not a dry description of items and paragraphs, but a fine piece of political psychology in which the whole spirit and function of the *Statuto* is carefully elaborated.

In the second part of his book, M. Trentin describes the new organs of the Fascist state, their development and interdependence. In a labyrinth of laws and decrees, sometimes supplementary, sometimes contradictory, the author shows the continuous growth of Fascist institutions as they were established, partly as the fruit of certain ideological conceptions, but mostly under the pressure of circumstances and as a result of necessary compromises. It is interesting and instructive to see how the new Fascist currents crept into the state, so to say, hollowing out the meat of the *Statuto*, leaving only an empty shell, so that the crown, which was formerly the radial point and initiator of the constitution, now stands “shorn of all its powers, deprived of all its prestige, torn from its traditions, obliged to abdicate its duties and to violate its engagements. It represents for the future only the extreme, inglorious, ephemeral survival of a force extinguished forever.”

Besides the organs and functions of the constitution, the individual rights of citizens are minutely analyzed, in the public, private, and professional field. Especially the restrictions on the freedom of emigration are strongly stressed. The final part of the book is a detailed and illuminating criticism of the Fascist doctrine of the state compared with the theories of contemporary jural science. M. Trentin shows convincingly that the Fascist system has really nothing in common with the schools of Durkheim, the syndicalists, Duguit, Kelsen, and other modern authors, with which the Fascist theorists try to prove their affiliation. In a substantial appendix, containing almost one

hundred and fifty pages, the author gives a verbatim translation of all the important Fascist documents. There is no doubt that the conscientious work of M. Trentin will serve as an indispensable source-book for all those who wish to understand the more intimate jural structure of the Fascist state.

OSCAR JÁSZI.

Oberlin College.

Die Organisation der Rechtsgemeinschaft. Untersuchungen über die Eigenart des Privatrechts, des Staatsrechts, und des Völkerrechts. VON WALTHER BURCKHARDT. (Basel: Helbing & Lichtenhahn. 1927. Pp. xvi, 463.)

Geopolitik; die Lehre vom Staat als Lebewesen. VON RICHARD HENNING. (Leipzig und Berlin: B. G. Teubner. 1928. Pp. viii, 338.)

Walther Burckhardt, professor of law at the University of Bern, joins the modern school of determined seekers after the right law (*das richtige Recht*) rather than what an older school has been calling positive law. But in this search he goes his own way.

Burckhardt starts with the postulate that "there must be a just order of community living," for the reason that "the validity of law (*Recht*) cannot be deduced from any other proposition." He holds that "if this postulate were not a primary truth, law (*Recht*) could not be the measure of conduct. Law would then itself have to be measured by another criterion, and that would be an absurdity." The just, he writes, must be done simply because it is just, otherwise justice would lose its meaning. "If law (*Recht*), the positive expression of justice, had a purpose, it would have only relative value, for law wants to be the criterion of valuation, that is its only possible meaning" (p. 130).

Burckhardt thus posits a primary ethical order embracing all forms of human community living and the state as the highest of these forms. The state is the highest form of community life because it is society organized for the determination and enforcement of what its appointed organs have found to be the right law under the given circumstances. "The state," he writes, "exists therefore not to realize 'law' (*Recht*) on the one hand, and on the other, to do in addition all kinds of things . . . , such as teaching school, generating electricity, maintaining institutions of communication and traffic, opening houses of credit,

in order to further 'Kultur,' wherever it may suit. The state exists only to realize justice. That is its only purpose" (p. 136).

Having thus fixed the state as an organization within a primary ethical order, and for the sole purpose of realizing justice in the form of right law, Burckhardt posits two exceptions to the rule. The state, he says, may, in the arbitrary manner of a private person, act without considering itself bound by principles (*Grundsätze*), when it proceeds accidentally and for the better execution of its legal tasks, as for instance in the administration of its domains, or its fiscal and movable property, in order to obtain the highest possible returns for its public needs. Nor is the state, according to Burckhardt, bound by principles in its relation to other states, except to the extent to which other states consider themselves bound by the same principles. For though each state is subordinate to international law, it is not called upon to execute that law. "It is within the propriety of the individual state to protect its own law (*Recht*) against others, for nobody else will protect that law for the state" (p. 137).

The reviewer regrets that the preceding scanty lines are totally inadequate to convey an idea commensurate with the significance of Burckhardt's work for the cause which he undertakes to advance. It is to be hoped that his efforts will soon find the critical treatment accorded the labors of Kohler and Stammler in Hocking's essay on "The Present Status of the Philosophy of Law and of Rights," and the attention given the whole movement in the writings of Judge Cardozo.

It is with the same regret that one approaches here also the futile attempt to do justice to the book of Richard Hennig, authority on international communication and traffic. In Hennig's work we are offered in words and charts the moving picture, so to speak, of the historical state as a vital organism—its origin, growth, life and death, its relation to other vital organisms like itself, envisaged from the aspect of all possible geographical, ethnological, social, psychological, and economic determinants. A selection of some of the formal topics under which the subject is treated will give at least some conception of the extent and the depth of the author's efforts. In successive chapters he deals with the zones of the earth in their influence upon the origin of states, and the Mediterranean as the creator of the first maritime states; the character of the soil and the influence of flora, fauna, and climate; the changing character of frontiers as conditioned by geographical, political, strategic, ethnological, and economic considerations;

the laws determining the choice of a country's capital and its sea-ports; the question of over-population; hunger after space as a cause of political conflict; the problem of colonization; and, finally, tendencies to internationalize waterways, the issues leading to the conception of a United States of Europe, and the attempts to establish some kind of economic Monroe Doctrine.

Hennig's book is the product of a conscious effort to assist his compatriots in freeing themselves from their pre-war provincial outlook in matters of international concern and to envisage world problems in terms of continents rather than of states. This effort is part of a general movement for the widening of the political horizon inaugurated by Ratzel and Kjellén, known as the young science of geo-politics. It has found current expression in the German-speaking countries in a new journal issued under the title *Geopolitik*. Thus, from the aspect of its contents, Hennig's work is of extreme importance alike to the historian, economist, political scientist, and statesman.

JOHANNES MATTERN.

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Das Minoritätenproblem und seine Literatur. BY DR. JACOB ROBINSON. (Berlin und Leipsig: Walter de Gruyter & Co. 1928. Pp. 265.)

Dr. Robinson presents here an invaluable critical survey of the literature on the national minority problem. Out of a mass of heterogeneous literature on the subject published in all the languages of Europe, he has succeeded in building up an analytical critique. As the author points out, it is not a mere registration of all the published works, but rather a selection of matter pertinent to the subject—a *bibliographie secondaire ou raisonnée*.

The scientific value of critical bibliographies is obviously open to question. It is no doubt subjective in its process of selection and interpretation. There are no distinct surrogates, no established criteria to lead or limit the compiler. Values, therefore, become variables or indeterminates, and selection becomes more or less arbitrary. What one man may select as pertinent, another man may omit as extraneous. In a field where scientific monographs are still lacking, whose literature is the work almost exclusively of "interested parties," the standard classification of sources is hardly applicable. Works produced by university professors in the minority countries are often mere polemics, or, at best, legal briefs. Scientific institutions with established reputa-

tions produce questionable ethnographic maps. Articles appearing in journals and newspapers, on the other hand, sometimes assume primary value as an expression of one point of view. Primary sources thus often become secondary or worse, and vice versa.

To the discriminating research worker, however, the critical bibliography appears rather as an aid than as an inclusive and ultimate source-book. In Dr. Robinson's work, the reader has before him, grouped into convenient form and in readable German, an array of otherwise inaccessible literature hidden under a polyglot of languages. It includes monographs, general works, periodicals, the reports of scientific bodies, official documents, and the literature of the League. The work is divided into three sections. The author first considers in detail the forms and nature of the literature bearing on the minority question. The state and nation are next considered in their various concepts. The third section, covering more than a hundred pages, takes up the international phase of the question, including the minority treaties, League procedure and League action, and the reaction of state and minority to the new régime.

Dr. Robinson's selection and interpretation of material, as well as his classifications, do not always call for unqualified approval. Such important works on the Austro-Hungarian Empire as, for instance, those of Auerbach, Gumpłowicz, Rauchberg, Ficker, Böckh, Eötvös, Biedermann, Mohl, Neumann, and Redlich do not appear in the bibliography. Conspicuously lacking are the decisions of the supreme courts and administrative courts. There is a sparsity of ethnological works on the various populations. The materials on Greece, Bulgaria, and Turkey also require some supplementing. On the whole, however, the collection is as adequate as could be expected in a first edition. One cannot help wondering at the amazing linguistic capacity of the author, who skips from the Ugrian Finnish tongues to remote Lettish and Lithuanian, to the different branches of the Slavic language, to Greek, Hebrew, and Latin, in addition to the more familiar European languages. The work gains coherence because it is that of one person rather than of several coadjutors, but it also exhibits the shortcomings inherent in the transposition of meanings from one language to another. As a scientific approach, however, it is easily the most important contribution to the minority problem in Europe.

M. W. ROYSE.

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The Collected Papers of Paul Vinogradoff. With a Memoir by the Right Honorable H. A. L. Fisher. (Oxford: The Clarendon Press. 1928. Two volumes. Pp. viii, 326; 509.)

It may be true, as the Right Honorable H. A. L. Fisher asserts in the Memoir which serves as the introduction to the *Collected Papers of Sir Paul Vinogradoff*, that "the life of a great scholar . . . can seldom offer the variety of interest active or emotional which attracts the general reader to a biography." Yet in this case the biographer has undoubtedly succeeded in putting before his readers those aspects of the achievements and career of this great scholar that make him an "arresting figure" even to those who cannot follow him into the far reaches of his more technical knowledge. For his one-time associates and friends, the figure of Sir Paul lives again on every page; for those who were not privileged to know him personally, Mr. Fisher has drawn a picture so vivid as to create almost the impression of having known him in the flesh; while for those who knew him only as the savant and teacher of later life, the Memoir performs the most welcome service of revealing the circumstances of his birth and upbringing, in the midst of which may be discerned the early development of many of those qualities that finally combined to make him the great universal figure that he was.

The Memoir is written also with a depth of understanding and affection well calculated to bring out the human characteristics which were so marked a part of Sir Paul's personality, even to those who knew him only a little. In him, as is pointed out, "the man was never lost in the student." The truth of this statement is to be seen not only in the great variety of his personal pursuits and interests—in his love of music and his delight in the game of chess, in both of which his skill was great; in the zeal with which he worked, up to the end of his life, in the cause of a sound popular education for Russia; in his deep and unceasing devotion along all lines to the Russia of his allegiance, a devotion increasingly tinged with disappointment and sadness until, as his biographer says, the Russian Revolution broke his heart. It is evident also in the very concrete and personal applications of the abstract principles of jurisprudence which he was so prone to make in elucidating them to his students, as well as in his close and methodical study of present-day conditions everywhere as expressions of the general and universal in human experience which more and more attracted him in the study of the past. "Pontiff of Comparative Juris-

- prudence in Oxford" as he was, and "indefatigable in toil," "he was no anchorite; but enjoyed with a double measure of gusto a good concert, a good farce, and a good dinner."

The continuous development of his interest in the general and the universal in the "human" or "social" sciences is well brought out in the Memoir. "The student of Vinogradoff's writings will note," the writer says, "that as he proceeds in life the deepening channels of the specialist widen out into the broad waters of comparative jurisprudence. Instead of contracting with senescence, his horizon widens." The power and the habit of deep technical research which made possible the great trilogy on which his fame chiefly rests, *Villainage in England*, *The Growth of the Manor*, and *English Society in the Eleventh Century*, remained unremittingly with him to the end, and in his later life were put to the service of an increasingly comprehensive comparison and interpretation. At the University of Michigan during the winter of 1923 he conducted Saturday conferences with the members of the law and political science faculties, in which, according to the dean of the University, he introduced "a spirit of coöperation and an interest in the whole field of social study," all too rare because of the paucity of leaders possessed of the vast erudition combined with depth of understanding and breadth of vision which were his. At Williamstown in the summer of 1924 Sir Paul directed a round-table on modern juridical theories, not soon to be forgotten by those fortunate enough to be included among its members. Here the power of his philosophising mind playing upon the rich stores of his encyclopaedic knowledge seemed almost to develop a new method in political philosophy, in the close and vital linking of theory and fact. And finally in his *Outlines of Jurisprudence*, unfortunately not completed at his death, he had planned what would have been an unprecedented exposition of the interrelationship of at least five of the great modern sciences—law, logic, psychology, social science, and political theory.

The Collected Papers also bear abundant testimony to the writer's growing preoccupation with the interconnection of the human sciences. Arranged chronologically, they clearly reveal the progressive replacement of the more historical by the more philosophical treatment of the subjects in which he was interested. Some of the later papers were those delivered during his American visits in 1923 and 1924 to which reference has already been made, but there are many others of similar

nature. It is, of course, this phase of Vinogradoff's work which is particularly significant for political science, since it is especially by reason of it that political scientists are enabled to count him one of their own. There is, in fact, no page of political science that has not been illuminated by his researches and his discriminating comment. In this field, as in all others in which he worked, he stands as an intellectual giant, enlarging the proportions and the significance of everything on which he laid his hand.

ELLEN DEBORAH ELLIS.

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Peel and the Conservative Party: A Study in Party Politics, 1832-41.

BY GEORGE KITSON CLARK. (London: G. Bell & Sons. 1929. Pp. xii, 515.)

Toryism and the People, 1832-1846. BY R. L. HILL. With a Foreword by Keith Feiling. (London: Constable & Co. 1929. Pp. xiii, 278.)

These two books deal with the Tory party and its leaders during the period of reform which followed immediately after the Reform Bill of 1832. Mr. Clark's very substantial volume is an elaborate history of Sir Robert Peel in his relation to the politics and political personalities of the time. Mr. Hill's book is a discussion of the Conservative party in its relation to the working classes, labor organizations, and labor legislation.

Certain characteristics of the period are stressed. The fluid nature of the parties after 1832 and the lack of a Conservative policy are emphasized. So is Peel's position as a moderate conservative reformer, which made him a leader unsatisfactory to the agricultural Tories and other ultra-conservatives. The lack of coördination between the leaders in Parliament and the Conservatives in the country is shown. Mr. Clark, conscious of the limitations of his subject and the fact that the period is in itself confused, presents us with the elaborate picture just as it is. The faults of his book are mostly those inherent in the matter. Mr. Hill tries to find a Tory policy on social matters, and, failing, produces a series of essays, some of them, such as that on Conservative party organization, of considerable value.

Both books are useful. Both show a careful and elaborate use of manuscript and other contemporary material, and both are part of the fundamental work of investigation which is necessary if we are

ever completely to understand the politics of the time. Both, however, are harder reading than they should be; Mr. Clark's partly because he admires Guedalla's *Palmerston*.

E. P. CHASE.

Lafayette College.

English Poor Law History: Part II, The Last Hundred Years. BY SIDNEY AND BEATRICE WEBB. (London: Longmans, Green and Co. 1929. Two volumes. Pp. xvi, 1-468; viii, 469-1085.)

"With the publication of these two volumes," say the authors, "we bring to an end a task on which we have been engaged since 1899, the analytical and historical description of the structure and functions of English local government. Like our works on *Trade Unionism* and the *Consumers' Co-operative Movement*, though on a larger scale, these ten volumes are studies of the structure and functions, in origin, growth, and development, of particular social institutions."

Some of the earlier volumes in this monumental series have already passed in review through these pages.¹ The present work, which follows one published in 1927 entitled *The Old Poor Law*, considers the whole course of legislation and administration affecting the poor in Great Britain from the framing and passage of the Poor Law Amendment Act of 1834 to the year 1929. The story told in these volumes is complete in itself, for it covers the whole of "a unique episode in English constitutional history, namely, the creation, development, and ending of the Board of Guardians of the Poor, as an elected *ad hoc* Local Destitution Authority, working under the direction and control of a Central Department, itself in 1834 a constitutional innovation." The publication is unusually well timed, for even as the authors were completing their work the Conservative government was, in December, 1928, guiding through Parliament the Local Government Act, 1929, which imposed "the sentence of death . . . on the century-old Boards of Guardians." In a brief Epilogue the authors illuminate the poor-relief provisions of the new legislation, point to amendments which are still needed, and cast a quick glance into the future of British poor-law policy.

Between the preface and the appendices of these volumes will be found matter of deep interest to many different specialists. Sociolo-

¹ See vol. 1, pp. 277-282; vol. 2, pp. 645-647; vol. 17, pp. 487-491.

gists and social workers will find nowhere a more exhaustive analysis of the operation of certain principles and methods of the relief of destitution. Students of economics and of labor problems can hardly ignore any part of the work, although they will be more particularly interested in the chapters on "unemployment as a disease of modern industry" and "the recurrence of able-bodied pauperism" since 1920. Those who study political institutions, whether national parliaments and cabinets or local governments, will find meat on every page. But it is perhaps the rising group of more specialized students of public administration who will most need these volumes. Here is the intimate life-history of a central government department from its inception, through its various transformations over a period of one hundred years. Here is depicted the slow, timid, groping process by which a central department, apparently powerful, gradually, and never completely, imposes its control upon some 600 local boards of guardians.

Strange and interesting characters appear upon the stage. It is the ghost of Bentham which at first hovers over the scene. Then it is seen that his doughty spirit has not passed on, but has been reincarnated in Edwin Chadwick, his literary secretary, who later, as secretary of the Poor Law Commissioners, defies and denounces his superiors, with the result that he is excluded from their meetings and sent out to do more useful work. "Surely," say the Webbs, "in all the history of the English Civil Service, there has never been another such secretary!" Lord John Russell is in the background, but Nassau Senior, T. Frankland Lewis and his son George Cornewall, and John George Shaw-Lefevre have more prominent and interesting parts. As a body, "the three Bashaws of Somerset House" (original poor-law commissioners) are hardly adapted to the villainous parts to which some opponents try to assign them; but the "Bastille" (the workhouse, in which "the workhouse test" is to be applied) is made to appear to some as a veritable den of tortures.

As the early fury against the legislation of 1834 slowly subsides, the work of the central government in supervising poor relief becomes merged with other work under the Local Government Board, over which Sir John Lambert (1871-1882), Sir Hugh Owen (1882-1899), Samuel Butler Provis (1899-1910), and others preside with efficiency but with a strong tendency toward legalism and bureaucratic formalism. In the meantime, slow developments outside of poor relief, in such fields as public education and public health work, are gradually

undermining the whole system of central and local organization for the relief of destitution. Prevention, not suppression, becomes the prevailing policy. The poor-law principles of 1834 and the whole superstructure of administration are already in decay when Beatrice Webb and her associates try to shake it to earth with their *Minority Report* of 1909. But the time is not yet. The war must intervene, and unemployment must again become a serious national menace before a new and wiser policy becomes possible. The ending is happy only in part; for, although the Laborites can applaud the abolition of the boards of guardians by the Conservatives, they can but hope for better policies under an act which leaves to county and county borough councils so much freedom of choice as to methods. The problem of unemployment is still unsolved, and the authors close with a plea for "the full and complete assumption, by the national government itself, of the responsibility for dealing with unemployment and the unemployed." To this plea the Labor government has already begun to respond.

None but the Webbs could have written these two volumes. Their long and intimate contact with the whole problem, the special insight possessed by Beatrice Webb as a result of her membership on the royal commission of 1905-9, their unrivaled knowledge of the problems of the working class and of local and central government, their unexcelled capacity and facilities for research, and their unswerving zeal for the promotion of public welfare through the investigation of social problems combined to set them apart as the ones preëminently fitted for the task.

Their readers throughout the world may congratulate themselves upon the fact that Sidney and Beatrice Webb have been able in these volumes to complete so thoroughly, and with so brilliant a final flourish, the monumental work on English local government to which they set their hands fully a generation ago.

WILLIAM ANDERSON.

University of Minnesota.

The Splendid Adventure. BY THE RT. HONORABLE W. M. HUGHES.
(London: Ernest Benn, Limited. 1929. Pp. xviii, 456.)

Students of government have noted with admiration not unmixed with perplexity the genesis of a new conception of Empire relations in the British Commonwealth. The story of this genesis during the past two decades is told, and told well, in this book. Particularly

effective is the treatment of the dilemma in foreign relations between the unity of the Empire and the diversified points of view of its several parts. In addition, the reader will find an excellent brief consideration (particularly from the Australian angle) of the problems of Empire trade, immigration, and communication, and chapters on the peculiar position of Egypt and India.

The author is the well-known former premier of Australia. He does not hesitate to draw conclusions. To him, unity in foreign policy is essential if the Empire's voice is to be effective in the councils of the world. Consequently he views with alarm, on the one hand, any tendency of Great Britain to ignore the opinion of the Dominions, and, on the other, the centrifugal tendency (particularly on the part of Canada and the Irish Free State) to appoint separate ambassadors. If a common foreign policy is to be developed, swift communication is vital, and one gathers that the Empire is thus to be saved by the wireless and the *aéroplane*!

The author writes from the point of view of a passionate lover of the Empire. He believes thoroughly in the destiny of each of its several parts as well as of the whole. He is the Imperialist in his attitude toward its backward peoples, and regards complete self-government for India as absurd for many years to come.

Passing over a distinct anti-American bias and occasional inaccuracies of detail, one notes as perhaps the only major defect of the book an unjustified attitude of omniscience on public questions, with a corresponding intolerance toward the other side. The author's conclusions may or may not be sound, but he does less than justice to the points of view of the Egyptian and Indian nationalists and of those who look to the League of Nations to become more and more the arbiter of the world's destinies.

Yet this perhaps typical omniscience of a prime minister may be forgiven for what the book really accomplishes. The analysis of Empire relations is a keen one; nay more, it bears the unmistakable stamp of reality reserved for studies by men who have themselves participated in the events in question. Without in the least losing sight of practical problems, the author has succeeded in conveying both the nature and the importance of those intangibles of sentiment, patriotism, and loyalty which are the secret of the strength of the British Commonwealth of Nations.

The book is important and effective. The standard accurate, authori-

tative, and objective book on the subject of the British Commonwealth of Nations remains to be written. Pending its arrival, however, Mr. Hughes' work should be known to all students of comparative government.

ERNEST S. GRIFFITH.

Harvard University.

Social Research; A Study in Methods of Gathering Data. BY GEORGE A. LUNDBERG. (New York: Longmans, Green and Co. 1929. Pp. xi, 380.)

Research in the Social Sciences. EDITED BY WILSON GEE. (New York: The Macmillan Co. 1929. Pp. x, 305.)

An evidence that the social sciences are beginning to find themselves as sciences is supplied by the publication, quite recently, and in America alone, of as many as half a dozen books dealing with the methodology of social research and the relations of the social disciplines to one another. Two of these, of widely differing nature, are noted in the present review.

The first—Professor Lundberg's *Social Research*—bears a good deal of resemblance to Bogardus's *The New Social Research* and the more recently published Odum and Jocher, *Introduction to Social Research*. All three are concerned primarily with methods of gathering data, and, after an introductory chapter on the prospects of social science, Professor Lundberg confines himself quite strictly to that matter. The difficulties of objective observation of social phenomena are characterized; the mechanics of research, in relation to such matters as terminology and classification, are discussed; the principal accepted methods of social inquiry are catalogued; and rather full consideration, in separate chapters, is given to the sample in social research, the schedule as an instrument of observation, field work, case studies, measurement of attitudes, measurement of social institutions, and the standardization of social statistics.

The study is predicated upon the belief that no essential differences separate the social from the physical sciences, and upon the corollary that "the only adjustment technique adequate to modern social situations" is the technique of natural science. The reviewer is not convinced of the full validity of these assumptions, but he readily concedes that in the first four chapters of the book Professor Lundberg

makes out a strong case for the opinions which he holds. In any event, his analysis of natural-science methodology in its undeniably broad and useful application to social research is as satisfactory as can be found in print. The volume ought to be at the elbow of every less experienced investigator of social problems, and even experts will find some things of interest in it.

When the Institute for Research in the Social Sciences was organized at the University of Virginia in 1926, Professor Gee, as director, proposed that its program of work be launched under the inspiration of a series of lectures by outstanding scholars dealing with the fundamental objectives and methods of research in the various social sciences. The suggestion was received favorably, and the second volume here noted is the visible result. Without exception, the nine lecturers selected for the series were as eminent and capable representatives of the various fields of learning as could have been assembled. For example, the late Professor Allyn Young spoke for economics, Dr. Wissler for anthropology, Dean Pound for jurisprudence, Professor Dewey for philosophy, and Dr. Beard for political science. The resulting volume, edited by Professor Gee, duplicates nothing hitherto published, and there is not a chapter but merits careful reading by every worker in the several fields touched upon.

Political scientists will turn with special interest and expectation to Dr. Beard's contribution. They will find a frank, clear, sympathetic, and convincing statement of the obstacles to the creation of a true science of politics, followed by a fuller discussion of the form which such a science must take, "assuming it were possible to create it." Ideally, the desired science would "deal with known tendencies projected in time; it would be in some indeterminate measure prophetic"—the future being, as Dr. Beard has more than once reminded us, "as real as the past, if we but knew it." Such prognosis is conceded to be pretty well beyond our reach. What we can hope to have, however, is "intelligence applied more or less ardently and fearlessly to that aspect of human affairs which we call political." Even this presupposes not merely the amassing of political data, but arrival at a far more adequate conception of "intelligence" than we at present possess—a conclusion which, it is hardly necessary to remark, offers Dr. Beard an opportunity for some observations both amusing and instructive.

Assuming the requisite intelligence, the question remains of the

- method by which it is to operate on the data of politics. The answer sometimes given is: By the method of natural science. But, says Dr. Beard, the "analyzing and adding" method of natural science is "applicable only to a very limited degree and, in its pure form, not at all to any fateful issues of politics." Indeed, he affirms categorically that "no science of politics is possible; or if possible, desirable." The thing to be looked for is intelligence applied to the political facets of our unbroken social organism—in short, "creative thinking;" and with some challenging comments on the conditions (especially in universities) favorable or unfavorable to such thinking, the discussion comes to a close. One is left with no very definite impression as to what visible manifestations and tangible results of creative thinking in politics we may expect eventually to behold. But doubtless Dr. Beard would say that this is precisely the sort of thing that cannot be predicted—else a science of politics would, after all, lie within our grasp.

FREDERIC A. OGG.

University of Wisconsin.

Electrical Utilities; The Crisis in Public Control. BY WILLIAM E. MOSHER, Editor; FINLA G. CRAWFORD, RALPH E. HIMSTEAD, MAURICE R. SCHARFF, LOUIS MITCHELL. (New York: Harper and Brothers. 1929. Pp. xx, 335.)

Dr. William E. Mosher and a staff of associates, under the auspices of the School of Citizenship and Public Affairs of Syracuse University, have performed a timely and valuable service in presenting in one compact and readable volume the more important outlines of the present status of the public control of electrical utilities, the dominant problems relating to such control, and an evaluation of several proposed solutions of the problems.

The authors support their assumption that there is a crisis in public control by presenting in a clear outline the essential elements in the situation, as follows: 1. The electric power industry has grown rapidly, and is assuming a place of great importance in our economic and social life. 2. The functions of the electric power industry are essentially of a social nature. The authors point out that "to the extent that those in control of the industry resent and resist public regulation and take profits in excess of a fair return on the prudent investment in the industry, they are obviously looking upon themselves, not as quasi-public officials and custodians of a great public trust, but as the representa-

tives of a private industry with no other responsibility but to their own investors" (p. xx). This attitude is one of the important causes of the crisis.

3. Financial structures have been erected without adequate public supervision. This is especially true in the case of holding companies. In this connection, the authors state that the "returns from the original investment are being pyramided and the financial structure is being erected which bids fair to impose an intolerable burden on the industry, and one which will affect rates to consumers for an indefinite period" (p. xix). It is interesting to note that at this point the writers take sharp issue with leading public utilities officials, who advocate the principle that the capital structure of the holding company cannot affect the rate level for the subsidiary operating company, and consequently cannot affect the cost of electric current to the consumer, since the rate level is based solely upon the fair value of the property of the operating company used and useful in the enterprise. The writers of this book, however, show that the determination of rates is not so simple, and that with a commission of amateurs, assisted by an inadequate staff, the public has little chance to prevent holding companies, through management charges, contracts, and various other methods, from having an appreciable effect upon rate-making.

4. The public service commissions have failed, for divers reasons, to regulate the industry satisfactorily. Among the many reasons given are: unsatisfactory and often obscure legislation; a poorly paid staff, inadequate as to numbers and technical skill; and a changed attitude on the part of the commissions with regard to their function. Originally they considered their function to be that of a public protector, but in recent years they have, in the main, constituted themselves a board of impartial judges set up to decide between the public and the utilities. According to the authors, this "leaves the public without the effective guardianship to which it is entitled. The withdrawal of the commission from this field removes the only state agency competent to undertake the responsibility" (p. 21).

5. There is no satisfactory basis for determining valuations for rate-making purposes. This lack is the result partly of unsatisfactory legislation, but especially of the somewhat uncertain decisions and *dicta* of the courts. The authors have correctly recognized that rate-making is at the very heart of the whole public utility control issue. In this connection they have clearly stated the issue between the "pru-

dent investment" theory and the "reproduction cost-new" theory as a basis for rate-making. The influence of the Indianapolis water-rate case is recognized as tending to operate as a virtual nullification of rate regulation, because the commissions have been influenced as much by what the court has said in this case as by the actual decisions in other cases. It is interesting to note in this connection how strikingly the point was illustrated recently in the decision of the district court of the Southern District of New York in the case of New York Telephone Company v. Wm. A. Prendergast, etc. (See *U. S. Daily*, Nov. 19, 1929). The crisis has been accentuated somewhat by the propaganda activities of the electricity companies, as brought out in the hearings before the Federal Trade Commission.

Part II of the book is devoted to an evaluation of the several types of public control which are worthy of consideration as means of meeting the crisis. The first suggestion is that control might be secured through contracts made by the states. These contracts would bind the companies to accept a rate base definitely fixed upon the principle of fair return on *actual investment*. Thus by the contract method the state would be able to free itself from the complications and uncertainties growing out of the *dicta* of the courts on the principle of fair value. Whether the courts would declare such a contract valid, however, is highly problematical.

In the second place, it is suggested that public competition in the form of government ownership of power plants at Muscle Shoals, Boulder Dam, etc., might "serve as a 'yardstick' for all power projects in the region" (p. 210). The third proposition is the control by a league of municipalities such as has been operating in the Canadian province of Ontario. The fourth proposal is that of control through a National Planning Commission. Such a commission would be similar in many respects to the Electricity Commission created in England by the law of 1919, and the Electricity Board created by the Electricity Supply Act of 1926.

The last method suggested is control through national ownership. The authors recognize, however, that legal and financial difficulties and strong public sentiment on the subject of government ownership are weighty obstacles. They point out, however, that the best means whereby public utilities may escape public ownership is "acceptance of such changes in the regulatory system as will eliminate the unfortunate practices which have grown up in recent years" (p. 291).

The book contains a well selected classified bibliography. Dr. Mosher and his colleagues are to be congratulated on producing a work of such high merit, and one which is of great and timely interest, not only to political scientists, but especially to government officials, to the utility industries, and to the general public.

ORREN C. HORMELL.

Bowdoin College.

Public Budgeting: A Discussion of Budgetary Practice in the National, State, and Local Governments of the United States. By A. E. BUCK. (New York: Harper and Brothers. 1929. Pp. x, 612.)

The scope of this work is well indicated by its main divisions, which are: Part I, The General Aspects of Public Budgeting; Part II, Budgetary Forms and Information; Part III, Budget-Making Procedure; and Part IV, The Execution of the Budget.

Mr. Buck has been delving assiduously into the problem of budget-making since the publication of his first book on this subject in 1921, and the fruits of his labor are garnered in the present volume. He has broadened his treatment to cover, not only the formal and technical aspects of the subject, but also the historical, legal, social, and economic phases. His wide range of contacts and his wealth of material are revealed by the abundance of his references to actual budgetary practices throughout the country. He knows what is being done in federal and state budget construction; but he also knows what the budget officers of Berkeley and Boston, of Detroit and Brunswick, Georgia, not to mention the cities in between, are doing. This practice of keeping his discussion in close contact with the realities gives a vitality and reality to Mr. Buck's treatment of the subject which is at once the envy and the despair of the armchair scientist.

The book is written for the practical administrator as well as the student. Like its predecessor volume, it abounds in forms and samples of good procedure; but these are much more varied and comprehensive in the present than in the earlier book. The insertion of a large number of such forms in the text, though probably preferable on the whole to relegating them to an appendix, is not without its drawbacks, as the text comment does not always keep pace with the forms and a search through several pages is sometimes necessary in order to locate the figure or form under discussion.

Mr. Buck's conception of the theory and scope of the budget-making

and budget-executing processes is so adequate and so sound that his book can be read and used with great profit by all who are concerned with this important subject. He has dealt with it from the standpoint of the officials who must construct, approve, and execute the budget—a sufficient undertaking for one book.

Another aspect of the problem, which was doubtless beyond the author's boundary in this work, remains. This is the discovery and development of a suitable technique for popularizing the budget—getting its meaning across to the people in such manner as to make them “budget-conscious.” There is some discussion of publicity in this book, but it is incidental, and the educative procedure involved in giving vitality to the budget in the thought of the people is not touched upon. The gulf between the formalities and technicalities of a sound budget procedure and what the budget program means for the people, in terms both of public expenditure and public revenues, is wide and deep. Democratic control of public finance requires, however, that it be bridged. Mr. Buck has contributed notably to the architecture on one side of this chasm. It is to be hoped that he will assist with the remainder of the job.

H. L. LUTZ.

Princeton University.

Regional Survey of New York and Its Environs: Volume II, Studies of the Growth and Distribution of Land Values; and of Problems of Government. Prepared by THOMAS ADAMS, HAROLD M. LEWIS, and THEODORE T. McCROSKEY, including contributions by various other persons. (New York: Committee on Regional Plan. 1929. Pp. 320.)

No brief review can do justice to the multiplex contents of this document. A metropolitan area embracing 5,528 square miles and including probably 10,000,000 inhabitants is brought under the microscope of social science and subjected to exhaustive examination and analysis to ascertain the causes and conditions bearing upon the distribution and movement of its population, the creation and destruction of its land values, and the structure and processes of its institutions of local government. The result is a study which not only unfolds a fascinating history of the social, economic, and political factors entering into the development of the prodigious urban agglomeration that has its nucleus

on Manhattan Island, but also casts a horoscope of future development and suggests intelligent measures of social control.

For the sociologist, the economist, and the political scientist, this volume is a treasure trove of source material. More complete and more perfect data illustrating the inevitable coëfficiency of social, economic, and political forces are nowhere to be found. Accessibility to population, for example, is shown to be the first element in creating land values, but it also appears that the fluctuation of land values has much to do with the ebb and flow of population, and that the distribution of both land values and population is deeply affected by governmental policies as to taxation, transportation, public improvements, city planning, and public utility regulation.

One wonders if the lessons taught by the findings of this survey will make any impression upon the motley array of big and little frogs who run the political and business affairs of the many turbid puddles which make up this dismal swamp of metropolitan life. The authors of the survey indulge no hope of organic union of the 436 political communities, scattered over portions of three states, which collectively constitute the metropolitan region; but they vaguely anticipate the possibility of an interstate federation of communities through the enlargement and extension of coöperative government under state treaties. It is a consummation devoutly to be wished, but one which will tax resources of statesmanship to the utmost.

CHESTER C. MAXEY.

Whitman College.

Suffrage and its Problems. BY ALBERT J. McCULLOCH. (Baltimore: Warwick and York, Inc. 1929. Pp. 185.)

This monograph concisely reviews the conditions under which the elective franchise was used in the American colonies and traces the abandonment of some qualifications and the introduction of others in the subsequent history of the United States. Suffrage problems pertaining to negroes, to women, and to immigrants are discussed separately and in that order. The solution, repeatedly proposed (pp. 59, 65, 73, 129, 175), is the minimum requirement of high school training for voters.

A few inaccuracies may be noted. Suffrage was taken from the residents of the District of Columbia in 1874 instead of 1878, and the

governing commission is not appointed by Congress (p. 81). Too many annual elections were provided for in early state constitutions to justify the statement that "tenure of office was longer than it later became" (pp. 161, 173). Eighty per cent of all electors have not voted in presidential elections for some time (p. 162). No recent authority is cited to support the estimate that as high as 35 per cent of the urban vote is purchasable (pp. 72, 163). "Formerly, electors were exhorted by campaign orators; today, they must be reached through some form of press activity" (pp. 13, 65, 72). No mention of the radio is made. It is hardly exact to say that "a permanent quota basis was established in 1927" (pp. 135, 145, 150), when the two per cent of the 1890 census provision was continued until June 30, 1929. There are typographical errors in citations of the Yick Wo (pp. 102, 182, 185) and Ozawa (pp. 137, 181, 184) cases. "Caucasians" rather than "free white persons" are said to be eligible for naturalization (p. 138), and there is no reference to judicial interpretation of that phrase, as in the case of *United States v. Thind* (261 U. S. 204).

Some more general features of the treatment of suffrage problems may be questioned. Suffrage "is a privilege conferred by the sovereign people" (p. 9). Who compose "the sovereign people?" The author does not attempt to show, in the account of actual extensions or limitations of the suffrage, how "the sovereign people" brought about these results. Nor does he make clear his reason for citing so many opinions expressed between 1890 and 1900 and so few, comparatively, of more recent origin. Newspaper editorial opinion is cited without dates (pp. 96-97). Periodical literature is frequently cited by number (not volume) and page, without date, and elsewhere by date but not by volume or page.

Again, why heap so much blame on the foreigner for corruption in American cities? Professor Munro has pointed out that cities with relatively low percentages of foreign-born are not noticeably better governed than are those with higher percentages. The immigrant can hardly be blamed for declines in civic interest which follow waves of reform (p. 143). Finally, the reviewer cannot, on the showing made, find cause for alarm in the "menace of foreign radicalism" in the United States (pp. 49, 53, 155-156), although sympathizing with the general trend toward more stringent immigration and naturalization regulations. Nor does it seem necessary to "deport the persistently un-Ameri-

can" while everyone remaining in this favored land returns "to the simple Christian faith of the fathers" (p. 176).

The defects which have been noted by no means destroy the value of the monograph. The four tables listing suffrage qualifications in each colony and state from 1621 to 1929 evidence a great amount of painstaking and useful work. The accompanying comments summarize the tabulated facts in convenient form. Writers of American government texts should consult Professor McCulloch's book in order to correct or clarify their statements concerning citizenship as a requirement for voting.

HOWARD WHITE.

Miami University.

Labor and Farmer Parties in the United States, 1828-1928. BY NATHAN FINE. (New York: Rand School of Social Science. 1929. Pp. 438.)

This is a detailed, factual account of the political activities primarily of labor organizations and very secondarily of farmers' organizations from the establishment of the Philadelphia Workingmen's party in 1828 to midsummer of 1925. The account is too much a catalogue of dates, personalities, programs, election results, and statistics to warrant characterization as "narrative," but it is valuable as a fund of information and as a reference volume. There are so many threads for the author to handle in weaving the fabric that it is not surprising that the reader loses the major lines of the pattern at times, though closer attention of the author to precise terminology and names of the labor and socialist organizations would have aided materially in a clearer understanding of his production.

From local political societies organized in the late twenties and early thirties, through the state labor parties of the sixties and seventies, to the appearance of a labor party in the national arena in the eighties, the movement is traced. The vicissitudes of the agricultural producers in the Granger, Greenback, Populist, and Farmer-Labor party movements, as well as the varying fortunes of socialists of both "red" and "pink" varieties, are all sketched in more or less detail.

Mr. Fine holds that the campaign of 1924 was of historic interest, if only for the fact that workers, farmers, progressives, and socialists actually did get together, independent of the old parties, on a program which all could fully and whole-heartedly accept—and what has once

been can be again. Even in the present low ebb of labor, farmer, and socialist political organizations in this country he is hopeful; he has faith in the future of the labor-agrarian political movement because from the century's record he observes that such organizations never ceased springing up, and that they appear to be as inevitable here as in Europe, where to date they have been more successful.

HAROLD R. BRUCE.

Dartmouth College.

Source Book of American Political Theory. BY BENJAMIN FLETCHER WRIGHT, JR. (New York: The Macmillan Company. 1929. Pp. vi, 664.)

Teachers of political theory agree that a reading of source material is essential to a proper understanding of the ideas of any thinker. Only in that way can the atmosphere of the period be appreciated. For that reason a source-book of well selected extracts is useful as collateral reading or as an outline around which a course may be organized. Professor Wright has added to the long list of such books in his *Source Book of American Political Theory*.

The material is grouped in nine chapters, dealing with (1) the theocratic controversies of the colonial period; (2) the arguments of the American Revolution; (3) the early state constitutions; (4) the creation of the Federal Constitution; (5) the early issues under the Constitution, as expressed in the writings of John Adams, Alexander Hamilton, Thomas Jefferson, and John Taylor; (6) the growth of constitutional democracy as indicated in the debates of various state constitutional conventions; (7) the doctrines of the slavery controversy; (8) the theories of the nature of the union and the struggle for state sovereignty; (9) some recent tendencies. Each chapter is prefaced by a brief introduction and is followed by a list of references to secondary material; and each selection is introduced by a brief explanatory statement.

The author has not attempted to cover all the issues of American political thought. He gives chief attention to the controversies of the early period of American history and to the struggle over the creation and the interpretation of the Constitution. Little fault can be found with his selections on these topics. The book is of slight value for the period since 1850. The issues of the years between 1850 and 1898, when the important problems of reconstruction and of the relation of gov-

ernment to business were uppermost, are omitted entirely. And the selections of the final chapter, which covers the period from 1898 to the present, are chosen somewhat at random, and give little idea of the general nature and problems of recent American political thought. Five-sixths of the entire volume is devoted to the theories prior to 1850. This gives a lack of balance and a weak background for an appreciative understanding of the issues of the present day. No attention is given to American doctrines of foreign policy, of territorial expansion, or of local government.

RAYMOND G. GETTELL.

University of California.

A Guide to Material on Crime and Criminal Justice. Prepared by AUGUSTUS FREDERICK KUHLMAN. (New York: The H. W. Wilson Company. 1929. Pp. 633).

This volume is intended as a guide for the research student and is part of the report of the committee of the Social Science Research Council on a preliminary survey of research on crime and criminal justice in the United States. It is to be followed by a report on the present status of research on crime and criminal justice in the United States, prepared for the committee by Raymond Moley. The work is a classified and annotated union catalogue of books, monographs, and pamphlets in thirteen selected libraries and of periodical articles listed in the leading periodical indexes relating to criminology, the administration of criminal justice, criminal law, justice, judicial organization, criminal procedure, punishment, institutional treatment of offenders, pardon, parole, probation, the juvenile court, and crime prevention. In preparing the guide, Mr. Kuhlman has had the coöperation and assistance of Dean Wigmore of the Law School of Northwestern University, Dean Justin Miller of the Law School of the University of Southern California, Professor Eldon R. James, librarian of the Harvard Law School, Professor Raymond Moley, Mr. Bruce Smith of the National Institute of Public Administration, and numerous others.

As stated by Mr. Kuhlman, "the primary purpose of the Social Science Research Council in launching this survey was to take stock of all research work on crime and criminal justice in the United States, in order to provide a basis of fact upon which its advisory committee on crime would be able intelligently to consider and formulate proposed research projects that are submitted for approval. Further, it was

believed that the compilation and publication of such material would be of assistance to serious students of the crime problem and would stimulate further research."

The usefulness of the volume is increased by brief annotations of a descriptive nature to "all material that is of value for research purposes wherever the title does not convey adequate information relative to scope, content, and method of treatment." The book will be invaluable to all students of the subject, and the supplementary report will be awaited eagerly.

A. C. HANFORD.

Harvard University.

Politics and Criminal Prosecution. BY RAYMOND MOLEY. (New York: Minton, Balch & Co. 1929. Pp. xii, 238.)

This is an important contribution to the literature of criminal administration, and Professor Moley's experience qualifies him to speak with authority. The book's essential theme is the power of the prosecuting attorney under modern conditions to trade with the accused. The extent to which a person guilty of crime is to be punished depends primarily upon the nature of the bargain that he may drive with the prosecutor. The criminal's strength in this bargaining depends in large part upon the political influence which he may bring to bear. And where the measure of punishment lies in the uncontrolled discretion of one man, as it does in bargaining for pleas of guilty, a favorable exercise of this uncontrolled discretion will often be purchasable. Thus prosecution, politics, and official corruption unite to defeat the impartial administration of the criminal law. The problem so created is well analyzed by the author. The reader is disappointed with his conclusions, although somewhat consoled by the fact that here is a person unequipped with a ready solution for all the woes of the world. The chapter on prosecution in England and Canada should be of distinct interest to students of criminal administration in this country.

WALTER F. DODD.

Yale Law School.

Liberty in the Modern World. By GEORGE BRYAN LOGAN, JR. (Chapel Hill: The University of North Carolina Press. 1928. Pp. xiv, 142.)

In his first chapter Mr. Logan refers to Lord Acton's well-known failure to write his history of liberty. A good many people have

foolishly ventured into parts of the field which Acton abandoned in despair. Mr. Logan is one of the few who have ventured and not proved themselves foolish. He outlines the development of liberty in law, thought and expression, and government, and discusses the recent beginnings of liberty in the economic field. Then he considers the relation of science to human liberty, and liberty in connection with humanism and religion.

Liberty he defines as "the fullest and freest adaptation of man's character, faculties, and habits to the world of nature, the world of his fellows, and the central world of consciousness, and his resulting use of them all, in so far as he is able to use them, for his own good" (p. 6). This is apparently not intended as a scientific definition. But it shows that, though influenced by the modern emphasis on collectivist values, Mr. Logan writes in the tradition of the *Areopagitica* and the essay *On Liberty*. He tries, however, to analyze liberty in contemporary terms. Like a preacher successfully interpreting a rigid creed, he makes the concept practicable without in any way destroying it. His liberty has the old spiritual value, but it is a modern liberty for a progressive society.

In most of the ground covered there obviously can be no originality. The treatment, however, is mature, and almost merits the term brilliant. It is a pity that Mr. Logan did not live to write a lengthier treatise, for he plainly had something to say, and what he has said, even in this small space, is highly suggestive. The volume can be recommended as worth the serious attention of any one interested in political philosophy.

E. P. CHASE.

Lafayette College.

International Relations. By RAYMOND LESLIE BUELL. Revised Edition. (New York: Henry Holt and Co. 1929. Pp. xvii, 838.)

The revised edition of Mr. Buell's *International Relations* comes to fill a place already prepared for it. For there must be few students of international relations who have not made the acquaintance of the first edition, and they as well as others outside the class-room have for a number of years been kept in touch with international events of the day by the information bulletins issued by the Foreign Policy Association under the direction of Mr. Buell. All this is merely to say that the author needs no introduction to his readers.

That the field of international relations covered by the present volume is a wide one, with ill-defined boundaries, may be noted by way of caution. Its relation to the cognate field of international law is somewhat like that of politics to constitutional law. Just as the problem of government in its larger sense is a problem not merely of organization and fixed legal rules controlling its activities, but of social forces, economic conditions, and agencies for the expression of public opinion, so the problem of justice and order among the nations is a problem which involves not merely the narrowly restricted rules of conduct that have attained the position of law, but the diversified interests, social and economic, which bring one nation into association or conflict with another and which are thus the moving forces promoting or retarding the progress of international life. That the line between this wider field of international politics and international law in the strict sense can be drawn with only approximate accuracy is an indication of the fact that international law is still in need of definition and development.

Some qualification, therefore, must be made if we are to accept Mr. Buell's statement that he is approaching the subject of international relations "from the viewpoint of political science—to begin where international law leaves off." Certainly the chapter on minorities deals with a question which is in several countries the subject of binding treaty obligations and is therefore well within the range of international law. The same is to be said of the chapters on the international aspects of the drug and liquor control and international humanitarianism. Again, the problem of mandates is definitely within the scope of legal regulation, as are the problems of sanctions, world courts, renunciation of war, international conferences, and conspicuously the League of Nations.

The new material incorporated into the revised edition deals with the events of the past four years. A discussion of the Young Plan supplements the contents of the chapter on Reparations and Allied Debts; the Pan American Conference at Havana in 1928 figures under The Confederation of Nations; a description of the International Economic Conference of 1927 completes the chapter on Economic Internationalism; and the Locarno Agreements, the Kellogg Pact, and the Geneva Naval Conference of 1927 are described under The Renunciation of War and the Limitation of Armaments. While the revised edition brings the book up to date, the revision is not so thor-

oughgoing as to prevent the simultaneous use of the first edition where it is already on the book-shelves.

It is scarcely necessary to add that the revised edition will be no less warmly welcomed by teachers than was the edition which has already established its position. The absence of bias from the discussion of controversial points, the careful attention to accuracy, the presentation of innumerable facts in a readable narrative, together with the full bibliographies accompanying each chapter, are strong points of commendation.

C. G. FENWICK.

Bryn Mawr College.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND CONSTITUTIONAL LAW

Teachers of state government have been hard pressed to find good biographies dealing with American governors other than Roosevelt's *Autobiography* and the various works on Woodrow Wilson. In both of these cases national problems naturally overshadowed those of the state. Alfred E. Smith's autobiography, *Up To Now* (The Viking Press, pp. 434), therefore, fills an important gap. With a style that is direct, vigorous, and clear, ex-Governor Smith tells the story of his public career and in doing so brings his reader into intimate contact with the government and politics of New York State. The titles of some of the chapters indicate the wealth of material that is found in the volume: "Learning the Legislative Ropes," in which Smith confesses that during the first session he did not at any time really know what was going on, and that the second term was "as much of a blank;" "Growing up with the Legislature;" "In and About the Legislature;" "Lobbies, Issues and Legislation;" "Making a New Constitution for the State;" "The First Year as Governor;" "Re-making a State," in which the governor tells of the fight for administrative reorganization and budgetary reform; "Some Social Problems," in which are described the struggle for social, industrial, and educational legislation; "Some Responsibilities of Being Governor," which emphasizes the strain placed upon the governor by numerous social duties, and especially by the pardoning power; "Putting Business Methods into Government," and "Figures and Finances." No teacher of state government can afford to overlook this autobiography.

The Story of the Democratic Party, by Henry Minor, is not so much a story as a catalogue; it is a list of events and of the persons, important and unimportant, participating in them, rather than the history of an institution. The author has not been judicious in the selection of his materials, and as a result the study is overcrowded with details that have juxtaposition rather than relationship. This naturally makes for dull reading and slight understanding of the broader implications of the subject. A tendency to eulogize good Democrats does not reassure the reader of the objective attitude of the writer. Nor can one always agree with the estimates and appraisals that are made, as for example: "History will doubtless place McAdoo as one of the great finance ministers of all time." Again, speaking of Marshall's eight years as vice-president, the author states: "It is only fair and just to speak of it as the Wilson-Marshall administration." Although portions of the book are helpful and indicate an intimate grasp of minutiae on the part of the author, the work as a whole lacks the breadth of conception that transforms happenings into history.—E.P.H.

A revised edition of Professor Charles E. Merriam's valuable textbook, *The American Party System* (pp. ix, 488), has appeared from the press of the Macmillan Company. The title-page bears also the name of Harold Foote Gosnell, who aided in the revision and added two new chapters: one on The Ballot and Election Laws and another on Popular Interest in Voting. These chapters are based upon the results gained from field work among the voters in Chicago and elsewhere. The facts are presented with the verve of study at first hand, and the significance of the problems taken up are also discussed. Perhaps the chief merit of the study as a whole is the attention given to interpretation as contrasted with mere description and historical summary. The footnotes have been amplified and new references added that contribute greatly to their usefulness. In its present form, the volume may be welcomed to the increased sphere of usefulness awaiting it.

Some of the addresses and discussions at the Rollins College Institute of Statesmanship in March, 1929, have been edited by Prof. L. H. Jenks under the caption *The Future of Party Government* (Winter Park, Fla., pp. 134). The session was in the nature of a clinic to examine the vitality of the Democratic party in the South. Among the diagnosticians were Senator Walsh of Montana, President Chase and

Professor J. G. de R. Hamilton of the University of North Carolina, Professors John Dickinson and Lindsay Rogers, and Messrs. George Fort Milton and Robert Lathan of the press. Other topics were the possibility of a distinctly liberal party, discussed by O. G. Villard, Norman Thomas, Albert Shaw, and Professor A. C. Cole, and some aspects of democracy in the machine age by Dean Shepard and Professors Kendrick and Pollock. A number of the papers, such as Professor Rogers' remarks on party responsibility, are of more than passing interest.

George Harvey, by Willis Fletcher Johnson (Houghton Mifflin Co., pp. x, 436), bears the sub-title "A Passionate Patriot." This rather accurately sets the tone of the entire book. The biographer handles his subject in a very sympathetic fashion—in fact, in too uncritical a manner for perfectly balanced treatment. At the same time, by the copious use of letters and of selected excerpts from Harvey's writings, Mr. Johnson draws a very clear picture of the American editor and diplomat. The work is of particular interest to the student of politics for the intimate account given of Harvey's relations with Woodrow Wilson. Perhaps too much emphasis is placed upon the influence of Harvey upon Wilson's career. Certainly the author goes a bit far when he describes Harvey's casual suggestion to Wilson that he might become known as the "Father of the Peace of the World" as implanting in Wilson's mind "the germ, which through strange perversions, was developed into the ambition to form and to lead a world-wide League of Nations." Despite a certain degree of bias from which no enthusiastic biographer is entirely free, Mr. Johnson has written a very interesting life-story that casts a new gleam upon Anglo-American relations and upon the inner politics of president-making.

Lobbying, by Edward B. Logan, is an excellent summary study of the "institution through which influence is brought to bear upon legislators and administrators." It is published in pamphlet form as a supplement to Vol. CXLIV of the *Annals of the American Academy of Political and Social Science* (pp. 100). After citing numerous specific examples of lobbying activities in connection with important acts of federal legislation, the author comes to the conclusion that "the third house of Congress is no myth—it is a strong, real part of our governmental system." In substantiation of this opinion, he describes, in turn,

a few of the more important national organizations that maintain headquarters in the capital from which to carry on their persuasive work. Perhaps the most valuable part of the study is that dealing with the place of the lobbyist in government. How should he be regulated? What should be his relation to the political party, to the legislature, to the public? The author discusses these questions, and others, with an understanding and penetration that are both enlightening and stimulating.—E. P. H.

An important current problem of government is dealt with most thoroughly and accurately in John J. George's *Motor Regulation in the United States* (Band and White, Spartanburg, S. C., pp. xix, 226, vii). The author first explains the magnitude of the motor carrier industry and then discusses "the motives and means of instituting public regulation, the organization, jurisdiction, and work of the regulatory agency, its scope, regulation, the form of permission to operate as a public carrier, and the process and factors involved in receiving that permission." Attention is given also to "requirements as to public safety, service, and rates; to the matter of special taxation of motor carriers, and to the transfer and revocation of their certificates to operate. The relation between rail carriers and motor carriers" is treated, and emphasis is "placed on the problem of regulating those motor carriers which are interstate in their operation, the efforts of the states to regulate them, and the necessity for the national government to deal with interstate operation. Finally, a statement of the principles revealed in the process of regulation and an appraisal of that process" are set forth. The author points out that the prohibition of state denial of certificates to interstate carriers in the Buck and Bush cases has stripped the states of their most effective weapon of regulation and created a "no man's land" so far as certification is concerned. The facts presented in the study show that federal legislation on the interstate phase is imperative. The author is of the opinion that such legislation should embody a provision utilizing "the state commissions as administrative agencies, with provision for joint state boards, and also for appeal to the Interstate Commerce Commission." The numerous cases cited are listed in a table of fourteen pages.

The New Jersey Constitution of 1776, by Charles R. Erdman Jr., of Princeton University (Princeton Univ. Press, pp. viii, 166), is one

of the best brief studies of one of the original state constitutions known to the reviewer. Like most of the first state constitutions, the New Jersey constitution of 1776 "did violence to the dogma of separation of powers, that cardinal principle of American political theory, by intermingling functions of an executive, judicial, or legislative nature in an indiscriminating manner and by setting up a legislature to which the other departments were completely subordinated." In spite of the fact that there were practically no restrictions upon the powers of the legislature, "certain constitutional theories which were evolved subsequent to 1776 reacted upon and limited the legislative power." The way in which constitutional theories operated as a check upon legislative power is the central theme of the study, and is treated in two excellent chapters on "Legislative Omnipotence vs. the Supremacy of the Constitution" and "Judicial Review and the Development of the Doctrine of Vested Rights under the Constitution of 1776."

Polk, The Diary of a President, 1845-1849, is a very interesting book made up of selections from Polk's original four-volume account of his term in the presidency. The complete diary was published in a limited edition by the Chicago Historical Society, so that this present collection, edited by Allan Nevins, makes generally available for the first time Polk's own account of the many important acts that transpired during his administration. Of particular value is the light shed upon the relations between the President and the leading politicians of the day: witness Senator Benton's proposal that he be made commander of the U. S. army in Mexico, and Buchanan's plea that he be appointed a justice of the Supreme Court. Although there is evidence throughout that Polk was writing the diary for posterity, it still gives a revealing account both of the President and of his times. The book is published by Longmans, Green and Co. (pp. xxv, 412).

Orren C. Hormell's bulletin on *Corrupt Practices Legislation in Maine and How it Works* (Bowdoin College, Municipal Research Series No. 8, pp. 31), although prepared primarily for the purpose of study by the Maine League of Women Voters, has more than local interest. It is the author's conclusion that the corrupt practices law in Maine "acts as little more than a sedative to quiet the public conscience, rather than as a cure for the political ills for which it was devised," and that there should be a complete revision of the legislation relating

to the use of money both in the primary and election campaigns, and especially a strengthening of the administration of the law.

The American Federal System, by K. Smellie (Williams and Norgate Ltd., London, pp. viii, 184), is frankly nothing more than an introductory account of the problems of American government designed for the general reader in England. In compiling this brief survey of the government of the United States, the author has relied upon the best of the standard works on the subject written by American scholars. The constitution, parties, Congress, the judiciary, and the executive are explained clearly, and with understanding. The economic interpretation of politics is stressed.

Two new volumes have been added to the series of Service Monographs of the United States Government published by the Institute for Government Research of the Brookings Institution, namely, *The Bureau of the Census* (pp. x, 224), by W. Stull Holt, and *The Bureau of Prohibition*, by Laurence F. Schmeckebier (pp. x, 333). These monographs describe the history, activities, and organization of the respective bureaus. Reprinted in the appendix of each are the laws that concern the work of the governmental agency discussed. Both books contain a full bibliography.

The Houghton Mifflin Company has rendered a great service to students and teachers of American government by bringing out a two-volume edition of the late Albert J. Beveridge's monumental *Life of John Marshall* (pp. xxii, 506; xvi, 594; xx, 644; xvi, 668), which sells for ten dollars. The work is not abridged in any manner, but is merely printed in more compact form without reducing the attractiveness of the format or the legibility of the type.

LOCAL GOVERNMENT

In the course of his study, *The Conditions of Municipal Employment in Chicago*, in 1926, Professor Leonard D. White came to the conclusion that the morale of public employees is deeply affected by what the public thinks about them. In order to determine what the people of Chicago really think about the employees of their city, Professor White and his assistants obtained from 4,680 residents personal opinions re-

garding the relative prestige values of some twenty characteristic occupations in both public and private employment. The results are set forth in a book entitled *The Prestige Value of Public Employment in Chicago* (Univ. of Chicago Press, pp. xix, 183). Professor White found that the 4,680 citizens interviewed "expressed a substantial preference for private employment rather than city employment, and in such crucial matters as integrity, competence, courtesy, and attention to duty, rated city employees much lower than persons in similar occupations in the business or commercial world." Furthermore, his investigation indicated that city employment in Chicago apparently tends to command the greatest amount of respect from "the immature, the uneducated, the foreign born, and the laboring people." The author does not believe that the responsibility for this unfavorable attitude toward public employment rests with the employees themselves, because, in his opinion, it would be difficult "to distinguish between the intelligence, skill, and loyalty of the mass of city employees and an equal number of industrial and commercial employees." An analysis of the data collected shows, he believes, that the low prestige value of public employment is due to the fact that the "direction, supervision, control, and management of city employees is political and has been political for so many years without interruption that the citizens of Chicago have little confidence in it. . . . The more so since 'politics' has sunk to a low estate in Chicago for fifteen years." As a result, an "essentially dishonest situation has become established in city employment. . . . This dishonest situation is created, maintained, and emphasized by those responsible for the personnel policy of the city, above all by the mayor and council."

In 1923 the Harvard University Press published a *Manual of Information on City Planning and Zoning*, by Theodora Kimball, which contained an introductory statement of principles and procedure; a description of the work of the National Conference on City Planning; an account of the services performed by the Division of Building and Housing of the Department of Commerce; a list of national organizations active in promoting city planning; records of city-planning progress in the United States and other countries; suggestions on conducting publicity campaigns for city planning and zoning; and a bibliography of 115 pages, including a selected list of references covering the field of city planning. Since 1923, the planning and zoning

movement has "progressed by leaps and bounds, with a corresponding increase in current articles and papers." Miss Kimball, now Mrs. Theodora Kimball Hubbard, with the assistance of Katherine McNamara, has prepared a supplement to the original manual bringing it down to date and adding references on regional, rural, and national planning. The supplement and the original manual are published in a single volume under the title *Manual of Planning Information, 1928* (Harvard University Press, pp. ix, 188; viii, 103).

Messrs. P. S. King and Son of London have published a small volume entitled *Local Government* (pp. viii, 119), by E. Bright Ashford. As indicated by the sub-title, the book is intended as a simple treatise which will give in skeleton form the chief facts on English local government. The author attempts to show that the present local government system is a combination of two conflicting ideas, "the one representing local sentiment, individuality, amateur work done by elected and unpaid workers; the other defined by such words as efficiency, uniformity, coördination, central control." Emphasis is placed on the activities of the local governments, such as public assistance, education, public health, child welfare, housing, care of defectives, highways, municipal trading, etc., rather than on organization and structure. The information is up to date and includes a description of the changes made by the Local Government Act of 1929, under which the poor law unions, as areas of local administration, and the boards of guardians will cease to exist after April 1, 1930.

FOREIGN AND COMPARATIVE GOVERNMENT

Under the title of *The Making of New Germany* (D. Appleton and Company, two vols., pp. xv, 368; ix, 373), the memoirs of Philipp Scheidemann, which appeared in Germany in 1928, have been made available to English-speaking readers. The translation by J. E. Mitchell has succeeded admirably in preserving the humor and freshness of the original, but one is entitled to doubt whether the impressive title which has been added to these memoirs in the English version is wholly justified. There can be no question that Scheidemann played a leading rôle in the rise of Social Democracy in Germany and in its ultimate, if somewhat short-lived, triumph; but the tone of these volumes is essentially personal, despite the great political events with which they deal. The intention of the author seems clearly not to have

been to discuss or portray these events in the light of their general historical significance, but rather to justify his participation in them. For the historian, these volumes will add little that is definitely new. They do, however, add substantially to our general understanding of the period of Germany's rise, fall, and reconstruction, and give exceedingly interesting portraits of certain of its outstanding figures. As an account of the making of new Germany, they are disappointing; but as the lively memoirs of a man who was in the midst of the struggle, they are both illuminating and significant.

Packed between the covers of a small volume entitled *Political Britain: Parties, Policies, and Politicians: A Survey of Current British Politics, a Guide to the New House of Commons, and a Directory of Political Institutions*, edited by Michael Farbman (George Routledge and Sons, London, pp. 193), are a large amount of useful data for which one would ordinarily have to look in many scattered sources. The guide contains a brief description of the English courts; the names of the members of the present ministry; a list of the principal government and public offices and their incumbents; an explanation of the parliamentary franchise; the personnel of Parliament; a statement of the principal organizations and clubs of the three parties; a list of English newspapers and the party affiliations of each; and about seventy-five pages devoted to "Who's Who in Politics." There are also interesting articles on "British Policy of Today and Tomorrow," by H. N. Brailsford, in which the problems confronting the Labor ministry are discussed; "The Constitution," by Dr. H. Finer; "Parliamentary History, 1918-1929," by K. B. Smellie; "An Analysis of the Results of the General Election, May, 1929," by Harold J. Laski; "Electoral Reform," by J. H. Humphreys; "The Liberal Party;" "The Labor Party;" and the "Conservative and Unionist Party."

Hamilton Fyfe's *The British Liberal Party* (George Allen and Unwin, pp. x, 272) is what it purports to be—a fairly comprehensive, readable history of the British Liberal party. Its main thesis is that the party failed because it attempted throughout its course to unite both Whigs and Radicals—and hence could never be whole-heartedly progressive. Moreover, it has been particularly ill served by its leaders. Gladstone, in particular, comes off badly at the hands of Mr. Fyfe, although this is perhaps no more than a further evidence of the tend-

ency these days to disparage things Victorian. To American readers, the book is chiefly interesting as by indirection shedding light on the reasons why the spirit of militant reform has now its preëminent vehicle in the Labor party. Only the embers remain in the older party, and these in the person of its truly radical leader, Lloyd George.

It is difficult for the reviewer of such a comprehensive and scholarly project as the *Cambridge History of the British Empire* (Macmillan, pp. xxvi, 931), by J. Holland Rose, A. P. Newton, and E. A. Benians, to write anything save the obvious. That Cambridge University has undertaken the project is a warrant of scholarship both sound and broad. That the British Empire has a story worth the telling is a guarantee of the work's interest. The entire project contemplates eight volumes, of which the present is the first. Two subsequent volumes will bring the general story down to 1921; two others will deal with India; and one each will be devoted to Canada and Newfoundland, South Africa, and Australia and New Zealand. Though the method of treatment is topical, and though the twenty-six chapters of Volume I are the handiwork of no less than fifteen authors, the book has an undoubted unity. "The answer seems to be that the Empire or Commonwealth has not been made, it has grown; that it is the product of an island in which there has never been complete fusion; that it is the product of distance; and finally the product of evolution on family lines." Readers everywhere will be interested in the excellent survey of the Empire's growth presented in the introductory chapter; Americans will read with interest the masterful account of their Revolution seen through British eyes; scholars whose fields are economic history, sea power, or international law will find more than one chapter full of suggestive material.—E. S. G.

Josef Washington Hall (better known by the pen-name of Upton Close) is the author of another book on the "new" East. The volume is entitled *Eminent Asians*, and is published by D. Appleton and Company (pp. 510). The author discusses, in turn, Sun Yat-Sen, Yamagata, Ito, Mustapha Kemal, Josef Stalin, and Mahatma Gandhi. It could hardly be expected that the writer describe the personalities of these leaders from a thorough personal acquaintance with them all, but at the same time his treatment of them is graphic and sympathetic. In fact, the "man of destiny" attitude is adopted, and the author has his

heroes contemplating their countries' respective salvation from an early age. The young Kemal, for example, "conceived his purpose in boyhood—he seems to have been born with it." And again, "while other boys slept, Mustapha read about the French Revolution. . . . He visualized his own people freed from the galling tyranny of a ruler who was both weak and cruel." Such omniscience on the part of the casual biographer is hardly convincing. As novelized accounts of what Mr. Close imagines his heroes to be, the book is very interesting. The biographies seem, however, to be based upon secondary sources and tend to be superficial in treatment. It is a volume of vivid impressions.

The text of A. Meyendorff's *The Background of the Russian Revolution* (Henry Holt and Co., pp. xvii, 193) consists of the Colver Lectures at Brown University, but the notes now added, though jumbled, provide new material. Baron Meyendorff confesses to have been a liberal in the old régime; he is frankly reactionary to the present order. The Russian Empire remains a puzzle to him. One thing, however, is clear: imperial rule was "the most European of all Russian institutions." The revolutionaries—not only the Bolsheviks—were too impatient to "allow sufficient time for the representative system to develop." It was a great weakness that "Russian political thought was only very loosely determined by actual interests and conditions and belonged to the non-casual domain of arts, religion, and philosophy." In the stormy history of Russia, the "real continuity is to be found in the tenacious myth of the universal leveller."—R.V.O.

The International Institute of Public Law has recently published its first *Annuaire* (Les Presses Universitaires de France, pp. 603), edited by its secretary-general, Professor B. Mirkine-Guetzévitch. The first part of the volume contains data concerning the Institute; the second presents records of the session of 1928, including lengthy discussions by Professors Kelsen and Jèze; the third is devoted to extensive memorial articles on the late Professors Duguit and Hauriou; and the fourth and largest presents a rich collection of organic laws and other texts (dating from 1928) relating to constitutional developments throughout the world, including decisions of the Supreme Court of the United States. The publication is to be continued from year to year, and will be of value to all students of public law.

La Tchécoslovaquie (Librairie Delagrave, pp. 119), by B. Mirkine-Guetzévitch and André Tibal, is the initial volume of a series planned to deal with the political organization and problems of the various European states. Five brief chapters analyzing the Czechoslovak constitutional system, party situation, and political issues are followed by some sixty pages of pertinent documents, presented, of course, in French.

In *Le Statut de l'État Libre d'Irlande* (Rousseau & Cie, pp. 252), Dr. Guillaume Faucon presents a useful survey of the constitutional law and history of the Irish Free State, especially as touching relations with Great Britain, with the British Commonwealth, with foreign powers, and with the League of Nations. A final chapter attempts a general summary of the juridical position both of the Free State and of the British Empire.

INTERNATIONAL LAW AND RELATIONS

During the Second Empire, French diplomacy was so much the personal policy of the Emperor that even his successive ministers of foreign affairs were often ignorant of the real feelings and intentions of their master. Despite the zeal and ability of the historians who have sought to solve the riddles of French policy in these crowded years, much remains obscure. If one pieces together those portions of the Emperor's correspondence which have thus far been published, and adds the scattered records of his conversations, the sum total remains, for many topics, sadly disappointing. *The Paris Embassy during the Second Empire. Selections from the Papers of . . . Earl Cowley, Ambassador at Paris, 1852-1867*, edited by his son, Colonel the Hon. F. A. Wellesley (London: Thornton Butterworth, pp. xiv, 337.) throws fresh light on many such problems. Except perhaps for Lord Stratford de Radcliffe, so fiery and hard to handle, Lord Cowley was widely regarded in his day as the best horse in the British diplomatic stables. In length of service, and in the extent to which he commanded the confidence of Napoleon III, he enjoyed extraordinary advantages as an observer of French policy. The bulk of this volume is composed of the confidential correspondence exchanged by Cowley and the successive foreign secretaries—Granville, Malmesbury, Clarendon, Russell, and Stanley—private letters paralleling the official despatches and contain-

ing the personal touches and fine shading so often lacking in the documents drafted with one eye turned toward Parliament and the public. With these are private letters from the Empress Eugenie, Richard Cobden, Palmerston, Raglan, and many others. Of special interest to American readers is the Emperor's proposal in 1865 of a defensive agreement which would bind both England and France to help each other in the case of hostilities provoked by the United States.—J. P. B.

The twenty-first essay in the series of *Völkerrechtsfragen* edited by Heinrich Pohl and Max Wenzel deals with a very important question of international law, namely, that of how to alter municipal law when the latter is not in accord with international law. Dr. G. A. Walz, the author of this contribution, entitled *Die Abänderung Völkerrechtsgemässen Landesrechts* (Ferdinand Dümmler, Berlin, pp. 174), investigates the English, American, German, and Austrian law, basing his analysis upon the theoretical assumption of a dual sphere of law (Oppenheim). He puts the more general question thus: What means are available within the general legal systems here under discussion, in order to prevent as much as possible conflicts between municipal and international law? The answers to the question in the several systems which he investigates suggest a general trend in the direction of adapting the national legal systems to the requirements of international law. He finds that it is erroneous to suppose the Anglo-American law leading in this development; on the contrary, the German Commonwealth and Austria provide a qualified constitutional protection for any principle of international law which has become part of the national law. This is a step forward which is without precedent in Anglo-American law. Dr. Walz's exposition is admirable in many respects, and happily combines a profound appreciation of the theoretical problems involved with a striking mastery of the existing law bearing upon his point. The literature quoted throughout affords an adequate introduction to the various aspects of the problem, but an index or an analytical table of contents would have been a useful addition to this otherwise highly satisfactory piece of work.—C. J. F.

Three books, totalling more than three thousand pages, have recently appeared upon cases in international law. The *Annual Digest of Public International Law Cases, 1925-1926* (Longmans, Green & Co., pp. xlv, 497), edited by Dr. Arnold D. McNair, of Cambridge Uni-

versity, and Dr. H. Lauterpacht, of the London School of Economics and Political Science, is a digest of opinions of national courts of various countries, as well as of international courts, commissions, and tribunals. The brief digesting in a single volume of 371 cases has been made possible through the coöperation of more than twenty contributors from different countries. A table of cases digested, as well as a table of cases cited, together with an index of a topical nature, facilitates the use and adds to the value of an undertaking which is experimental and a long step in the direction of centering attention upon facts. The book edited by Professor Manley O. Hudson, of the Harvard Law School, is published by the West Publishing Co. as a volume in the American Case Book Series and is entitled *Cases and other Materials on International Law* (pp. xxv, 1538). It covers many of the cases previously presented in case-books. Professor Hudson has, however, not limited his selection of cases to the narrow and sometimes misleading national decisions often cited, but has included opinions from the Permanent Court of International Justice and other international tribunals. The arrangement of chapters is also in marked contrast to that of other case-books, in that such topics as "The Society of Nations," "International Claims," etc., are introduced and cases on war and neutrality receive relatively less attention. Something of the change of emphasis is indicated in the enumeration of material as table of cases, table of treaties, and table of national legislation. As an example, the essential clauses of six treaties were inserted as a basis for the decision in a single illustrative case. Many conventions are also included. *A Selection of Cases and other Readings on the Law of Nations* (pp. xxii, 1133), by Professor Edwin D. Dickinson, of the University of Michigan, is published by the McGraw-Hill Book Co. There is an attempt to limit this book to a field which seems to the editor suitable for an elementary course, and he thinks it clear that the relations of neutrality and of war should in the main be excluded. The purpose sought by the editor is stated to be "pedagogic rather than systematic," and "the volume includes much public international law, a good deal of private international law, some constitutional law, and a substantial selection from the municipal law which is applied by courts in various cases affecting international relations." These three books are evidence of the increasing attention which international relations are receiving, and the two American case-books show a tendency to include material other than cases in the study of international law.

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Both the Royal Institute of International Affairs and the American Council of the Institute of Pacific Relations are to be congratulated on the monographs prepared under their auspices for the recent conference of the Institute of Pacific Relations at Kyoto. Long experience in the Far East, including service as vice-consul and consul at Dairen, has given Sir Harold Parlett, counsellor of the British Embassy at Tokio, a mastery of his subject, enabling him to compress within narrow compass *A Brief Account of Diplomatic Events in Manchuria* (Oxford University Press, pp. viii, 93). To fifty-seven pages of narrative are appended thirty-four pages of documents and a short bibliography. Under the Chinese Eastern Railway contract of September 8, 1896, the Chinese government was to have the right of purchase thirty-six years after the completion of the line, as stated on p. 60, and not thirty years after, as stated on p. 9. Much more thorough in treatment is the scholarly and objective volume by Professor C. Walter Young, *The International Relations of Manchuria* (University of Chicago Press, pp. xxx, 307). The treaties, agreements, and negotiations concerning the three eastern provinces of China are summarized and analyzed with such painstaking care that very few slips are to be noted. The dates, May 10, 1910 (p. 95, note 107); 1902 (p. 106); and May 13, 1925 (p. 236), should be May 10, 1909, 1909, and May 13, 1915, respectively. The chapter in the *British Documents on the Origins of the Great War*, cited on p. 117, note 174, deals with the negotiations concerning the Anglo-Japanese alliance of 1905, and not the negotiations of 1911. The method of arrangement of material adopted by the author, however valuable in a reference work, involves an extraordinary amount of repetition. This, together with the rather heavy style, renders this admirable work somewhat tedious for those who read it from cover to cover, as no serious student of Far Eastern affairs should fail to do.—J. P. B.

Das Problem der Territorialkonflikte, by R. Flaes (Amsterdam, H. J. Paris, pp. 352), bears a somewhat misleading title. It is a doctoral dissertation presented to the law faculty of the University of Utrecht, in which the author examines the problem of territorial conflicts with a view to determining whether they are soluble by juridical methods. In order to reach some conclusion in this matter, the writer takes up the territorial history of Poland, which illustrates almost all the vicissitudes through which the territory of a state can pass. The upshot

of it is that 288 out of the 352 pages of the book are devoted to the story of the transformation of the Polish territory. There is nothing novel about this portion of the book, which is based on a small number of general works, and does not even mention so fundamental a book as Lord's *Second Partition of Poland*. The general section which follows is devoted to an attempt to enumerate and classify the various types of territorial change and to an examination of the divers methods of settling the disputes that arise from them. The author's conclusion is a negative one, so far as his thesis is concerned. To the reviewer's mind, the book's value lies chiefly in the fact that it attempts to break ground for the study of an important and intricate question. It is written with detachment throughout, and makes no attempt to enter into a discussion of the practical politics of the Polish question.

The best chapters in *The Isthmian Highway*, by Hugh Gordon Miller (Macmillan, pp. xiv, 327), deal with the Panama Canal tolls controversy. Yet the author fails to mention the mission of Sir William Tyrrell, or to suggest any relation to Wilson's Mexican policy. The remainder of the book is rambling and badly organized. Although the author quotes extensively from primary sources, his analysis and interpretation of them often leave much to be desired. Roosevelt's action in the case of Panama is justified by an alleged right of eminent domain which the author believes to be recognized in that provision of the League of Nations' Covenant which states that members of the League "will make provision to secure and maintain freedom of communications and of transit." In the same vein he asserts that the right of a Central American republic to indulge in violent revolutions and to settle an election by resorting to civil war "is really not arguable." The United States, however, while revising its bookkeeping concerning the Panama Canal, should "ask the Hague Court to appoint an auditing (advisory) committee to represent the interests of collective civilization in this international waterway."—J. P. B.

For those interested in Near Eastern affairs or in imperialism, *L'Affaire de Mossoul*, by Dr. P. E. J. Bomli (H. J. Paris, Amsterdam, pp. 252), will prove of great interest. As Dr. Bomli carefully points out, the crux of the whole matter was oil. The former vilayet of the old Ottoman Empire, with its 88,000 square kilometers of barren land and 800,000 inhabitants, mostly backward Kurds, was of little in-

ternational importance until the discovery of oil. The problem was thus primarily one of oil concessions, with English, French, and American groups competing for control. The work is primarily an analysis of the boundary dispute between Turkey and Great Britain, including a detailed discussion of its treatment by the Permanent Court and by the Council of the League, with a concluding chapter on the juristic principles involved. The book includes a brief but convenient review of the situation in Mosul since 1914.

In his *Origin and Conclusion of the Paris Pact* (World Peace Foundation Pamphlets, vol. xii, no. 2, pp. viii, 227), Denis P. Myers gives a scholarly résumé of the negotiations of the Briand-Kellogg Treaty and an analysis of its place in the systems of pacific settlement established by the states which are parties to it. The accompanying documents are well chosen, and are supplemented by a useful index of bipartite pacific settlement treaties.

The Working of the Minorities System under the League of Nations (Orbis Publishing Co., Prague, pp. 122), by Joseph S. Rouček, is a brief survey of the national minority question in Europe. It includes a discussion of the legal basis of the minority treaties and of League procedure. Several selected cases are discussed as illustrations of the problem, and in the concluding chapter the minorities system is justified.

Nowhere has the great significance of the Inter-American arbitration treaty and accompanying conciliation convention of January 5, 1929, been so well brought out as by Charles Evans Hughes in two lectures at the Yale Law School, published under the title *Pan American Peace Plans* (Yale University Press, pp. 68).

POLITICAL THOUGHT AND MISCELLANEOUS

The second edition of Walter Jellinek's *Verwaltungsrecht* (Berlin, Julius Springer, pp. xviii, 554), which is Volume xxv of the *Encyklopädie Der Rechts- und Staatswissenschaft*, testifies to the firm position which this work has already attained as a handy textbook on German administrative law. The changes are few as compared to the first edition, and they do not warrant discussion here. It may be worth while, however, to recall the general lay-out of the work. It contains an introductory part dealing with the delimitation of the field of *Ver-*

waltung and *Verwaltungsrecht*, to which there is attached a useful general bibliography of administrative law in which even the foreign and comparative aspects are dealt with in outline. This critical bibliography is a good background for the special bibliography given at the beginning of each paragraph. The introductory chapter is followed by the *Allgemeiner Teil*, which is abstract and analytical in the tradition of German jurisprudence, taking up successively the sources of German administrative law, persons, public duties and rights, facts, administrative acts, protection against torts (both through administrative action proper and through administrative courts), and, finally, administrative coercion, etc. Separated from this "general" part is a special part dealing, among other things, with the public services, taxation, expropriation, police, and schools. It will be seen from this summary that the approach is in part juristic and analytical, in part functional and descriptive. It is another attempt to master the multiplicity of political phenomena contained in modern administrative activities with the conceptual tools of the jurist, an attempt which, when doomed to failure, necessarily seeks refuge in minute descriptions of activities without reference to any general concepts at all.—C. J. F.

In *English Thought in the Nineteenth Century* (Longmans, Green and Co., pp. x, 241), D. C. Somervell presents a pleasant sketch of the ideas and theories of the Victorian-era. In accord with Dicey's classification, the author divides the period into three distinct phases: an opening period of Tory ascendancy lasting up to the passage of the Great Reform Bill in 1832; a middle period, extending to 1874, characterized by the ebullitions of evangelicalism, evolution, and Benthamite liberalism and the repercussions occasioned thereby; and a third period dominated by the concepts of imperialism, collectivism, and socialism. To attempt to introduce order into the varied and richly colored skein of tangled and conflicting thought of a nation during so full a century as the last is a well-nigh futile task. However, having outlined his scheme, the author introduces in turn the leading figures and proceeds to make a few explanatory remarks about each. This is gracefully and lightly done, but the thought of the period has not been grasped in its entirety, cogitated deeply, and then interpreted to the reader. Rather has the author remained content to act as chairman to a meeting of Victorians. Each in turn is presented, with some slight attempt at valuation. The book is not an interpretative synthesis of the thought of the period, but rather a lucid and brief survey.

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Current Research in Law for the Academic Year 1928-29, by Marion J. Harron (Johns Hopkins Press, pp. vi, 218), is the result of a survey, carried on under the auspices of the Institute of Law of the Johns Hopkins University, of current investigations and studies in law and related fields in the United States. Personal inquiries were sent to faculties of law schools; the faculties of American universities in the departments of anthropology, business administration, economics, history, political science, and psychology; bar associations; crime commissions; legislative reference bureaus; research foundations of the social sciences; and state and federal bureaus and departments. The reports on research projects which were received in response to this inquiry are arranged by the author under appropriate subject headings. In every possible case a brief description of the scope of the investigation is given, with the probable date of completion and the place of publication. Students of government will be especially concerned with the studies listed under such headings as administrative law and public administration; constitutional law; judicial administration; federal, state, county, and municipal government; international law; judicial review; jurisprudence; and legislation.

Lectures on Legal Topics, 1925-1926 (Macmillan, pp. viii, 359), is Volume VII of the addresses delivered before the Bar Association of the City of New York by various authorities. Many of the papers are of a non-technical nature, of interest to the general student of American government. This is especially true of the addresses on "The Jury," by Justice P. J. McCook of the New York Supreme Court; "Arbitration vs. Litigation," by M. H. Grossman, honorary president of the American Arbitration Society, Justice E. J. Lauer of the Municipal Court of New York, and Judge Julian W. Mack; "How Shall We Use an Old Constitution to Deal with New Conditions," by Governor Silzer of New Jersey, in which federal centralization is discussed and regionalism aided by interstate compacts is favored for the solution of certain interstate problems; "Naturalization," by M. A. Sturges, district director of naturalization, New York City; and "The Progress of a Criminal Case," by Justice W. H. Black of the New York Supreme Court. Students of international law will find a stimulating address on "The Part of International Law in the Further Limitation of Naval Armament," by Professor C. C. Hyde.

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- *The Pope is King* (G. P. Putnam's Sons, pp. xii, 325) is written by an anonymous author under the pseudonym of "Civis Romanus." The "story" is told of the Roman Question and its recent settlement under the treaty negotiated between the Italian government and the Holy See. After the historical setting is given, the present factors of significance are indicated, and particular attention is given to Mussolini's rôle in the dramatic reconciliation. While the book is intended for the general reader, and the colorful elements are stressed, still the basic facts presented and the conflicting opinions with regard to the settlement make the work of some interest to the student of government. However, the book is generally lacking in any analytical discussion of the fundamental problems of statehood that the anomalous position of the Vatican city-state presents. The author has been content to offer a descriptive tale.—E. P. H.

The Vanguard Press is publishing a series of Outlines of Social Philosophies, two volumes of which have recently appeared. They are *The Socialism of Our Times* (pp. xiv, 377), a symposium, and *What is Socialism?* (pp. ix, 192), by Jessie Wallace Hughan. Inasmuch as these volumes are written as avowed propaganda by avowed socialists, they are very illuminating statements of points of view, not simply in content, but likewise in spirit. The hopes, the aspirations, and the fears of socialist thinkers, actors, and agitators are clearly delineated in the first volume mentioned, based as it is upon discussions that took place during a conference of the League for Industrial Democracy held in 1928. The book appears to be a verbatim report of this meeting. The volume by Dr. Hughan is a survey that attempts to give briefly the socialist position. The *status quo* is examined and its faults indicated; proposed remedies are cited and criticized. The socialist solution is then offered, its methods of realization are set forth, and various aspects of the new order are described. The book is a clear and fervent portraiture of the official Socialist party policy in this country.

In *The St. Lawrence Navigation and Power Project* (pp. xvi, 675), by Harold G. Moulton, C. S. Morgan, and A. L. Lee, the Brookings Institution presents a very comprehensive and excellent analysis of the economic aspects of the St. Lawrence River project. Among the many interesting aspects of the problem here discussed are the depth of chan-

nel required, the practicability of the proposed waterway for various types of ocean shipping, and the initial costs and maintenance charges of the works. The authors find the project, from the navigation standpoint, economically unjustifiable, while present demands for power in Canada and the United States are held not to justify hydro-electric development on the scale contemplated. Considerably more than half of the book is devoted to appendices, these including the recent correspondence on St. Lawrence development between the United States and Canada and analyses of the import and export requirements of the Great Lakes—St. Lawrence region which might be served by the proposed development.

Continued discussion of the problem of railroad consolidation in the United States will lend interest in this country to Howard C. Kidd's *A New Era for British Railways* (Benn, pp. 158). The volume is, indeed, a study of the British Railways Act of 1921 from a distinctly American viewpoint. The advantages accruing from amalgamation are found to have been so great that few British railwaymen would care to return to the earlier order of things.

• RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

CLARENCE A. BERDAHL

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books

Albion, Robert Greenhalgh. Introduction to military history. Pp. 444. N.Y.: Century Co.

Alexander, Uhlman S. Special legislation affecting public schools. Pp. 147. N. Y.: Teachers College, Columbia Univ.

Aldredge, J. Haden. Rate-making for common carriers. Pp. xix+201. Atlanta: Harrison Co.

Autobiography of Calvin Coolidge, The. N. Y.: Cosmopolitan Book Corporation.

Barnes, I. R. Aspects of public utility regulation in Massachusetts. Pp. 284. New Haven: Yale Univ. Press.

Beckner, Earl R. A history of labor legislation in Illinois. Chicago: Univ. of Chicago Press.

Beer, Thomas. Hanna. Pp. 348. N.Y.: Knopf.

Benson, Allan L. Daniel Webster. Pp. 402. N. Y.: Cosmopolitan Book Corp.

Brewton, William W. The Life of Thomas E. Watson. Pp. xiii+408. Atlanta: Privately Printed.

Buck, A. E. Public budgeting. Pp. 612. N. Y.: Harper's.

Catterall, Helen Tunnickliff, ed. Judicial cases concerning American slavery and the negro. Vol. II. Cases from the courts of North Carolina, South Carolina, and Tennessee. Pp. 661. Washington: Carnegie Institution.

Eckenrode, H. J. Rutherford B. Hayes: post-war reformer. N. Y.: Dodd, Mead.

Gosney, E. S., and Popenoe, Paul. Sterilization for human betterment. Pp. xviii+202. N. Y.: Macmillan.

Hankin, Gregory, and Hankin, Charlotte A. United States supreme court: a review of the work of the supreme court of the United States for the year 1928-1929. Washington: Legal Research Service.

Harris, Joseph P. Registration of voters in the United States. Pp. 408. N. Y.: Nat. Mun. League.

Hibben, Paxton. The peerless leader: William Jennings Bryan. N. Y.: Farrar & Rinehart.

Holden, Raymond. Abraham Lincoln: the politician and the man. N. Y.: Minton, Balch.

Holt, W. Stull. The bureau of the census. (Service Monographs of the U. S. Govt.) Washington: Brookings Institution.

Hunt, Henry T. The case of Thomas J. Mooney and Warren K. Billings. Pp. 450. N. Y.: Nat. Mooney-Billings Com.

Jenks, Leland Hamilton, ed. The future of party government. Pp. 134. Winter Park (Fla.): Rodins Press.

Lawrence, David. The other side of government. Pp. 297. N. Y.: Scribner's.

Lief, Alfred, ed. The dissenting opinions of Mr. Justice Holmes. N. Y.: Vanguard Press.

Love, Philip H. Andrew W. Mellon: the man and his work. Pp. 319. Baltimore: Heath, Coggins & Co.

Lynch, Denis Tilden. An epoch and a man: Martin Van Buren and his times. N. Y.: Horace Liveright.

McCulloch, Albert J. Suffrage and its problems. Baltimore: Warwick & York.

McElroy, Robert McNutt. The life of Levi Parsons Morton. N. Y.: Putnam's.

McMillen, Wheeler. Too many farmers. N. Y.: William Morrow.

McMurry, Donald L. Coxey's army: a study in industrial unrest, 1893-1898. Boston: Little, Brown.

Moore, Clyde B. Citizenship through education. Pp. 330. N. Y.: Am. Book Co.

Mott, T. Bentley. Myron T. Herrick: in the footsteps of Franklin. N. Y.: Doubleday, Doran.

Muller, Helen Marie, comp. Government fund for unemployment. Pp. 169. N. Y.: H. W. Wilson Co.

National Industrial Conference Board. General sales or turnover taxation. Pp. xv+204. N. Y.: Nat. Ind. Conf. Board.

National Industrial Conference Board. The shifting and effects of the federal corporation income tax. Vol. I. Pp. 251. N. Y.: Nat. Ind. Conf. Board.

Nevins, Allan, ed. Polk: the diary of a president. Pp. 412. N. Y.: Longmans.

Simms, Henry H. The rise of the whigs in Virginia, 1824-1840. Pp. 204. Richmond (Va.): William Byrd Press.

Smith, Alfred E. Up to now: an autobiography. N. Y.: Viking Press.

Smith, Darrell Hevenor, and *Powell, Fred Wilbur.* The coast guard. Pp. xi+265. Washington: Brookings Institution.

Staley, Eugene. History of the Illinois state federation of labor. Chicago: Univ. of Chicago Press.

Warburg, Paul M. The federal reserve system. 2 vols. N. Y.: Macmillan.

Wiley, Harvey W. The history of a crime against the food law. Washington: The Author.

Willebrandt, Mabel Walker. The inside of prohibition. Indianapolis: Bobbs-Merrill.

Articles

Agricultural Relief. The farm board at work. *Charles W. Holman.* *World's Work.* Oct., 1929.

———. Agriculture and the changing social order. *Alonzo E. Taylor.* *Sat. Eve. Post.* Oct. 19, 1929.

———. The logic of the debenture. *Editor.* *New Repub.* Oct. 30, 1929.

———. Prosperity—believe it or not: V. The farmer's share. *Stuart Chase.* *Nation.* Dec. 18, 1929.

Amendments. Constitutional amendments proposed at 2nd session of seventieth congress. *Paul H. Giddens.* *U. S. Law Rev.* Sept., 1929.

Aviation. Trends in aviation legislation. *Harry J. Freeman.* *N.Y. Univ. Law Quar. Rev.* Sept., 1929.

Bank Deposit Guaranty. State regulation of banks by guaranty of deposits. *A. B. Butts.* *Miss. Law Jour.* Nov., 1929.

Bill of Rights. Mining and sapping our bill of rights. *Sterling E. Edmunds.* *Va. Law Rev.* Nov., 1929.

Bingham Case. Professor's progress. *Frederic Nelson.* *Nation.* Nov. 27, 1929.

Budget. The New York state budget controversy. *Rinehart J. Swenson.* *N. Y. Univ. Law Quar. Rev.* Sept., 1929.

Business Policy. Hoover plays his part. *Editor.* *New Repub.* Dec. 11, 1929.

———. Hoover's filip to business. *Leo Wolman.* *Nation.* Dec. 11, 1929.

California. The work of the legislature of 1929. *Orrin K. McMurray.* *Calif. Law Rev.* Sept., 1929.

Censorship. Fear, freedom, and Massachusetts. *H. M. Kallen.* *Am. Mercury.* Nov., 1929.

Citizenship. United States v. Schwimmer. *Ernst Freund.* *N. Y. Univ. Law Quar. Rev.* Sept., 1929.

———. The rights and obligations of citizenship under the constitution. *Edmund A. Walsh.* *Const. Rev.* Oct., 1929.

———. Attachment to the principles of the constitution as judicially construed in certain naturalization cases in the United States. *Henry B. Hazard.* *Am. Jour. Int. Law.* Oct., 1929.

Civil Service. Classifying the United States civil service. *G. H. Stuart-Bunning.* *Pub. Admin.* Oct., 1929.

Civil War. Missouri politics during the civil war. *Sceva B. Laughlin.* *Mo. Hist. Rev.* July, 1929.

Communist Party. Communist "criminals" in California. *Upton Sinclair.* *Nation.* Nov. 20, 1929.

Constitution. The interrelation of social and constitutional history. *James G. Randall.* *Am. Hist. Rev.* Oct., 1929.

———. A new approach to the study of the constitution. *H. Arnold Bennett.* *Hist. Outlook.* Nov., 1929.

Continental Congress. Perquisites of the president of the continental congress. *Edmund C. Burnett.* *Am. Hist. Rev.* Oct., 1929.

Declaratory Judgment. Declaratory and interpretative judgments in Massachusetts. *Henry T. Lummus*. Mass. Law Quar. Aug., 1929.

Democratic Party. Will the democrats follow the whigs? *Silas Bent*. Scribner's. Nov., 1929.

———. The democratic party in Maine. *Lane W. Lancaster*. Nat. Mun. Rev. Dec., 1929.

Due Process. Statutory presumptions and due process of law. *Note Editor*. Harvard Law Rev. Nov., 1929.

Emancipation Proclamation. Bishop Matthew Simpson, the man who inspired the emancipation proclamation. *Clarence True Wilson*. Current Hist. Oct., 1929.

Equal Protection. Equal protection of the laws. *H. S. W.* Mich. Law Rev. Dec., 1929.

Extradition. Interstate rendition—was it meant to be obligatory? *Lyda Gordon Shivers*. Miss. Law Jour. Nov., 1929.

Farmers' Alliance. The farmers' alliance. *John D. Hicks* and *John D. Barnhart*. N. C. Hist. Rev. July, 1929.

Federal Legislation. Federal legislation. *Middleton Beaman* and *Others*. Am. Bar Assoc. Jour. Oct., Nov., 1929.

Federal Reserve System. Is the federal reserve wrong? *David Friday*. Rev. of Revs. Sept., 1929.

Foreign Service. Our foreign service. *Robert Burgher*. Outlook. Nov. 6, 1929.

———. Resurrecting the foreign service. *Editor*. New Repub. Dec. 11, 1929.

Freedom of Press. Fair comment. *John E. Hallen*. Tex. Law Rev. Dec., 1929.

Full Faith and Credit. The full faith and credit required for public acts. *Stephen I. Langmaid*. Ill. Law Rev. Dec., 1929.

Gastonia Case. Gastonia. *Mary Heaton Vorse*. Harper's. Nov., 1929.

———. North Carolina justice. *Frederic Nelson*. New Repub. Nov. 6, 1929.

Hoover. A preface to Hoover. *Edward G. Lowry*. Century. Autumn, 1929.

———. President Hoover—a year after election. *Clinton W. Gilbert*. Rev. of Revs. Nov., 1929.

House of Representatives. Gentlewomen of the house. *Duff Gilfond*. Am. Mercury. Oct., 1929.

Immigration. The merits and demerits of the national origins provisions for selecting immigrants. *J. J. Spengler*. Southwestern Pol. and Sci. Quar. Sept., 1929.

———. The Jay treaty of 1794. *N. A. MacKenzie*. Canadian Bar Rev. Sept., 1929.

———. The second colonization of New England. *Marcus L. Hansen*. New England Quar. Oct., 1929.

———. Our Mexican immigrants. *Glenn E. Hoover*. For. Affairs. Oct., 1929.

———. The antecedents of Mexican immigration to the United States. *Robert Redfield*. Am. Jour. Sociol. Nov., 1929.

———. Criminality and immigration. *Ervin Hacker*. Jour. Crim. Law and Crim. Nov., 1929.

Imperialism. The American empire. *Hiram Motherwell*. Forum. Dec., 1929.

Injunction. The use of the labor injunction in the New York needle trades. I.

P. F. Brissenden and C. O. Swayzee. Pol. Sci. Quar. Dec., 1929.

Interior Department. Secretary Wilbur. *William Atherton Du Puy*. World's Work. Nov., 1929.

Judicial Council. Texas civil judicial council. *A. H. McKnight*. Tex. Law Rev. Dec., 1929.

———. National union of judicial councils. Jour. Am. Judicature Soc. Dec., 1929.

Judicial Review. Ours—a government of laws and not of men. *Alpheus T. Mason*. Const. Rev. Oct., 1929.

———. Judicial review of decisions of the Illinois commerce commission. *Elmer A. Smith*. Ill. Law Rev. Dec., 1929.

———. Special organization of the district court in suits to restrain the enforcement of state statutes. *Wortham Davenport*. Tex. Law Rev. Dec., 1929.

Judiciary. The superior court and the neck of the bottle again—1929 model. *Dunbar F. Carpenter*. Mass. Law Quar. Aug., 1929.

Jury System. "Good men and true": the story of the Barkoski trial. *Eston Everett Ericson*. New Repub. Oct. 30, 1929.

———. Should our jury system be modified? *William A. Forsyth, Felix Frankfurter, and Others*. Cong. Digest. Nov., 1929.

Lobby. Mr. Shearer likes a big navy. *Robert S. Allen*. Lobbies for loot. *Ruby A. Black*. Nation. Oct. 9, 30, 1929.

———. The pressure of organized interests as a factor in shaping legislation. *Frederick K. Beutel*. South. Calif. Law Rev. Oct., 1929; Com. Law League Jour. Dec., 1929.

———. Lobbyists and power politics. *Editor*. New Repub. Oct. 30, 1929.

———. Lobbyists and lobbygows. *Samuel G. Blythe*. Sat. Eve. Post. Dec. 7, 1929.

Military Training. Militarist bait for students. *Duff Gilfond*. New Repub. Oct. 2, 1929.

———. Military training in the land grant colleges. *Sveinbjorn Johnson*. Ill. Law. Rev. Nov., 1929.

Motor Carrier Regulation. Establishing state regulation of motor carriers. *John J. George*. Southwestern Pol. and Soc. Sci. Quar. Sept., 1929.

Navy Department. Another Adams takes over the helm. *Theodore G. Joslin*. World's Work. Dec., 1929.

Negro Question. The participation of negroes in the government of Virginia from 1877 to 1888. *James Hugo Johnston*. Jour. Negro Hist. July, 1929.

New York. The 1929 legislative session in New York. *Finla G. Crawford*. Am. Pol. Sci. Rev. Nov., 1929.

O'Fallon Case. The O'Fallon case. *William M. Wherry*. N. Y. Univ. Law Quar. Rev. Sept., 1929.

———. St. Louis & O'Fallon railway case. *Hugh E. Willis*. Ind. Law Jour. Nov., 1929.

———. The O'Fallon case. *Wm. M. Wherry*. Com. Law League Jour. Nov., 1929.

- . The O'Fallon decision—its meaning. *Charles B. Elder*. Ill. Law Rev. Nov., 1929.
- . The O'Fallon case: latest battle in the public utility valuation war. *Gustavus H. Robinson*. N. C. Law Rev. Dec., 1929.
- Pardon.** Summary of the provisions of the constitution and statutes of the several states relating to pardons. *Ann Neal and Beatrice Hager*. Jour. Crim. Law and Crim. Nov., 1929.
- Philippines.** The necessity of establishing a court of claims in the Philippines. *Modesto R. Ramolete*. Philippine Law Jour. Jan., 1929.
- Police Power.** Regulation of sale of drugs. *J. C. P. Calif. Law Rev.* Sept., 1929.
- Politics.** The passing of the old United States. *William E. Dodd*. Century. Autumn, 1929.
- . Plumed knight and turkey-gobbler. *Benjamin DeCasseres*. Jefferson: new style. *Donald Wade*. He hated southern gentlemen. *Lloyd Lewis*. Am. Mercury. Oct., Nov., Dec., 1929.
- . En observant l'Amérique. *Pierre Lyautey*. Rev. Paris. Dec. 1, 1929.
- Poor Law Reform.** Poor law reform in New York state. *Elsie M. Bond*. Nat. Mun. Rev. Oct., 1929.
- Porto Rico.** What next in Porto Rico? *Luis Muñoz Marín*. Nation. Nov. 20, 1929.
- President.** The president's secretaries. *Duff Gilfond*. New Repub. Oct. 9, 1929.
- . The secretariat. *A Washington Correspondent*. Am. Mercury. Dec., 1929.
- . The president gets down to business. *Isaac F. Marcossou*. Sat. Eve. Post. Dec. 21, 1929.
- Presidential Elections.** Ideology of business men and presidential elections. *Arthur F. Burns*. Southwestern Pol. and Soc. Sci. Quar. Sept., 1929.
- Press.** La presse et la vie politique aux États-Unis. *Pierre Denoyer*. Rev. Deux Mondes. Oct. 1, 1929.
- Price Fixing.** New judicial approach to due process and price fixing. *Maurice H. Merrill*. Ky. Law Jour. Nov., 1929.
- . The use of the "public interest" concept in price-fixing cases. *Case and Comment Editor*. Yale Law Jour. Dec., 1929.
- Prohibition.** The constitutional reasons for the repeal of the prohibition amendment. *Charles Hall Davis*. The eighteenth amendment. *Paul J. Thompson*. Lawyer and Banker. July-Aug., Nov.-Dec., 1929.
- . Anti-prohibition activities of the bar: a justification. *Frederic R. Coudert, Jr.* N. Y. Univ. Law Quar. Rev. Sept., 1929.
- . Progress of prohibition. Round Table. Sept., 1929.
- . The new "civil war" in the United States. *Ignatius Phayre*. Quar. Rev. Oct., 1929.
- . The fallacies of prohibition. *Fabian Franklin*. Forum. Oct., 1929.
- . The states and prohibition. *Rex Maurice Naylor*. New Repub. Oct. 16, 1929.
- . This prohibition wilderness. *Albert C. Ritchie*. Outlook. Oct. 23, 1929.

———. Prohibition and the future. *Mabel Walker Wildebrandt*. Woman's revolt against prohibition. *Pauline Morton Sabin*. Rev. of Revs. Oct., Nov., 1929.

———. The unholy union of prohibition and politics. *Norman Thomas*. What substitute for prohibition? *William Cabell Bruce*. Benefits of prohibition in Pennsylvania. *Harry M. Chalfant*. Current Hist. Oct., Dec., 1929.

———. The duty of the states in respect of prohibition. *Editor*. U. S. Law Rev. Nov., 1929.

———. When I was mayor: sidelights on prohibition. *Jay E. House*. N. Am. Rev. Nov., 1929.

Public Lands. What about our public lands? *Ray Lyman Wilbur*. Rev. of Revs. Dec., 1929.

———. The new conservation. *Joseph M. Dixon*. Sat. Eve. Post. Dec. 7, 1929.

Public Utilities. The merger movement: integration or combination, especially in its relation to electric utilities. *Matthew S. Sloan*. Century. Autumn, 1929.

———. The New York rapid transit contracts before the supreme court. *John Bauer*. N. Y. Univ. Law Quar. Rev. Sept., 1929.

———. Public utilities—state regulation of foreign holding company. *G. B. C*. Mich. Law Rev. Nov., 1929.

———. Composite demand and joint supply in relation to public utility rates. *Raymond T. Bye*. Quar. Jour. Econ. Nov., 1929.

———. Certificates of convenience and necessity. *Ford P. Hall*. Mich. Law Rev. Dec., 1929.

———. Confiscatory rates and modern finance. *Julius Henry Cohen*. Yale Law Jour. Dec., 1929.

———. The real meaning of the power problem. *Franklin D. Roosevelt*. Forum. Dec., 1929.

Radio Control. Copyright and radio. *W. Jefferson Davis*. Va. Law Rev. Nov., 1929.

———. Federal control of radio broadcasting. *Case and Comment Editor*. Yale Law Jour. Dec., 1929.

Reclamation. Making the American desert bloom. *Elwood Mead*. Current Hist. Oct., 1929.

Registration. The progress of permanent registration of voters. *Joseph P. Harris*. Am. Pol. Sci. Rev. Nov., 1929.

Revolution. "That great litigation." *Marshall Van Winkle*. Am. Bar. Assoc. Jour. Oct., 1929.

———. Aspects of revolutionary finance, 1775-1783. *Ralph V. Harlow*. Am. Hist. Rev. Oct., 1929.

Search and Seizure. Waiver of constitutional guaranty against unreasonable searches and seizures. *Editor*. U. S. Law Rev. Oct., 1929.

Senate. In the senate. *George Wharton Pepper*. Sat. Eve. Post. Nov. 30, 1929.

South. The south's lost leadership. *J. N. Aiken*. Leaders in the desert. *James Southall Wilson*. Va. Quar. Rev. Oct., 1929.

State Constitutions. The sources of the North Carolina constitution of 1776. *Earle H. Ketcham*. N. C. Hist. Rev. July, 1929.

———. Amending a state constitution by custom. *David Y. Thomas*. Am. Pol. Sci. Rev. Nov., 1929.

Stimson. A warrior turns to peace: Henry L. Stimson. *Theodore G. Joslin*. World's Work. Oct., 1929.

Supreme Court. United States supreme court problems. *Gregory Hankin*. Jour. Am. Judicature Soc. Oct., 1929.

———. The business of the supreme court at October term, 1928. *Felix Frankfurter and James M. Landis*. Harvard Law Rev. Nov., 1929.

———. The human side of the supreme court. *J. Frederick Essary*. Scribner's. Nov., 1929.

Tammany. A lesson from New York. *Editor*. New Repub. Oct. 16, 1929.

Taxation. Is a general income tax for Massachusetts a step in the right direction? *Philip Nichols*. Mass., Law Quar. Aug., 1929.

———. The supreme court on accounting methods. *Benjamin Harrow*. Am. Bar Assoc. Jour. Oct., 1929.

———. The new Illinois gas tax law. *James W. Martin*. Nat. Mun. Rev. Oct., 1929.

———. State corporate franchise taxes. *F. E. G.* South. Calif. Law Rev. Oct., 1929.

———. Taxation of motor busses. *W. K. G.* Mich. Law Rev. Nov., 1929.

———. Privilege taxes on corporations having no par value stock. *Note Editor*. Harvard Law Rev. Nov., 1929.

———. Exemption of federal and state securities. *Edward Henry Stiefel*. Cornell Law Quar. Dec., 1929.

———. Federal injunction against discriminatory state tax. *Thomas W. Sprinkle*. N. C. Law Rev. Dec., 1929.

Texas. Apostle of manifest destiny. *Bernard Mayo*. Am. Mercury. Dec, 1929.

Tariff. Moses among the jackasses. *Editor*. New Repub. Nov. 20, 1929.

———. The ol' debbil tariff. *Samuel G. Blythe*. Sat. Eve. Post. Nov. 23, 1929.

Treasury Department. The big cash box. *Will Payne*. Sat. Eve. Post. Dec. 7, 1929.

Trust Problem. Le problème juridique des trusts aux États-Unis. *François Perroux*. Rev. Pol. et Parl. Aug., 1929.

Veto. The governor's approval of legislation in Connecticut. *Walter F. Dodd*. N. Y. Univ. Law Quar. Rev. Sept., 1929.

———. Pocket veto. *J. E. C., Jr.* Va. Law Rev. Nov., 1929.

Wisconsin. The progressive holy land. *Bennington Orth*. Am. Mercury. Nov., 1929.

Workmen's Compensation. Workmen's compensation and the Jones act. *E. J. M.* Ill. Law Rev. Nov., 1929.

FOREIGN AND COMPARATIVE GOVERNMENT

Books

- Amann, Gustav.* The legacy of Sun Yat-Sen: a history of the Chinese revolution. Pp. 314. N. Y.: Louis Carrier.
- Andreades, A., and Others.* Les effets économiques et sociaux de la guerre en Grèce. Pp. 324. New Haven: Yale Univ. Press.
- Angell, James W.* The recovery of Germany. New Haven: Yale Univ. Press.
- Arthur, G.* King George V: a sketch of a great ruler. Pp. 360. London: Cape.
- Baikaloff, Anatole V.* In the land of communist dictatorship. London: Cape.
- Bartlett, G. E. Ashmead.* The riddle of Russia. London: Cassell.
- Bergsträsser, Ludwig.* Die preussische Wahlrechtsfrage im Kriege und die Entstehung der Osterbotschaft 1917. Pp. 164. Tübingen: J. C. B. Mohr.
- Bibby, J. P.* Unemployment: an analysis and suggested solution. Pp. 136. London: King.
- Bigham, Clive.* The kings of England, 1066-1901. London: Murray.
- Botha, C. Graham.* The public archives of South Africa, 1652-1910. Pp. ix+108. Cape Town: Cape Times.
- Bratter, Herbert Max.* Public finances of far eastern countries. (U.S. Dept. of Commerce, Trade Promotion Series, no. 83.) Pp. 103. Washington: Govt. Printing Office.
- Broucke, Jeanne.* L'empire arabe d'Ibn Séoud. Bruxelles: Falk fils.
- Calker, Fritz van.* Grundzüge des deutschen Staatsrechts. Pp. vi+111. München: C. H. Beck'sche Verlagsbuchhandlung.
- Carroll, Mollie Ray.* Unemployment insurance in Germany. Pp. 147. Washington: Brookings Institution.
- Cederholm, Boris.* In the clutches of the teheka. (Translated from the Russian by F. H. Lyon.) Pp. 349. London: Allen & Unwin.
- Chiurco, C. A.* Storia della rivoluzione fascista. 5 vols. Florence: Vallecchi.
- Chopra, Gulshan Lall.* The Punjab as a sovereign state (1799-1839.) Pp. xii+352. Lahore: Uttar Chand Kapur & Sons.
- Chudgar, P. L.* Indian princes under British protection. London: Williams & Norgate.
- Clemenoeau, Georges.* In the evening of my thought. 2 vols. Pp. 482; 525. Boston: Houghton Mifflin.
- Craddock, Sir Reginald.* The dilemma in India. Pp. xix+379. London: Constable.
- Dawson, E.* The civil service of Canada. Pp. 266. London: Oxford Press.
- Dendias, M.* Le problème de la chambre haute et la représentation des intérêts à propos de l'organisation du sénat grec. Pp. 464. Paris: Boccard.
- Dillon, E. J.* Russia today and yesterday. London: Dent.
- Douillet, Joseph.* Moskau ohne Maske. Pp. xii+224. Berlin: Verlag für Kulturpolitik.
- Dreiser, Theodore.* Sowjet-Russland. Pp. 313. Berlin: Paul-Zsolnay-Verlag.
- Emhardt, William C.* Religion in soviet Russia. Pp. 405. Milwaukee: Morehouse.
- "*Ephesian.*" Philip Snowden: an impartial study. London: Cassell.

- Gentizon, Paul.* Mustapha Kemal ou l'orient en marche. Paris: Bossard.
- Graham, Evelyn.* Albert: king of the Belgians. N. Y.: Dodd, Mead.
- Gwynn, Denis.* Daniel O'Connell: the Irish liberator. Pp. 288. London: Hutchinson.
- Hamilton, Mary Agnes.* J. Ramsay MacDonald. Pp. 305. London: Cape.
- Harms, Bernhard,* ed. Reich und Staat im neuen Deutschland. 2 vols. Berlin: Hobbing.
- Hoetzsch, Otto.* Germany's domestic and foreign policies. (Institute of Politics Publication.) New Haven: Yale Univ. Press.
- Hwangjen, M.* Le régime des concessions en Russie soviétique. Pp. 112. Paris: Gamber.
- Jássi, Oscar.* The dissolution of the Habsburg monarchy: a failure in civic training. Chicago: Univ. of Chicago Press.
- Keith, A. Berriedale.* The sovereignty of the British dominions. Pp. xxvi+524. London: Macmillan.
- Landau, Rom.* Pilsudski and Poland. N. Y.: Dial Press.
- Latham, J. G.* Australia and the British commonwealth. Pp. xii+150. London: Macmillan.
- Luehr, Elmer.* The new German republic. N. Y.: Minton, Balch.
- Malatesta, M.* Dall'impero degli zar al governo dei soviet. Rome: Tiber.
- Mallet, Sir Bernard, and George, C. Oswald.* British budgets: second series, 1913-14 to 1920-21. Pp. xxii+410. London: Macmillan.
- Mella, Jean.* Mustapha Kemal, ou la rénovation de la Turquie. Paris: Fasquelle.
- Nevinson, H. W.* England's voice of freedom. Pp. 304. London: Gollancz.
- Newton, Lord.* Lord Lansdowne. London: Macmillan.
- Niemann, Alfred.* Kaiser und Heer. Pp. 416. Berlin: Verlag für Kulturpolitik.
- Nipperdey, Hans Carl.* Die Grundrechte und Grundpflichten der Reichsverfassung. I. Band. Pp. x+412. Berlin: Reimar Hobbing.
- O'Briain, Barra.* The Irish constitution. Dublin: Talbot Press.
- Oldenbourg, Serge.* Le coup d'état bolchéviste. Pp. 527. Paris: Payot.
- Park, No Yong.* Making a new China. Boston: Stratford Co.
- Plummer, A.* Labour's path to power. Pp. 150. London: Richards Press.
- Price, George M.* Labor protection in soviet Russia. Pp. 128. London: Modern Books.
- Reis, Charles.* A history of the constitution or government of Trinidad. 2 vols. Trinidad: The Author's Press.
- Roberts, Stephen H.* History of French colonial policy, 1870-1925. 2 vols. London: King.
- Sapre, B. G.* The growth of Indian constitution and administration. Pp. xii+548. Sangli (India): Bombay Press.
- Scheidemann, Philipp.* Philipp Scheidemann: the autobiography of the maker of new Germany. 2 vols. N. Y.: Appleton.
- Schlosberg, H. J.* The king's republics. Pp. xx+147. London: Stevens.
- Strachey, Ray.* "The cause"; a short history of the women's movement in Great Britain. Pp. 429. London: Bell.

- Swire, J.* Albania: the rise of a kingdom. London: Williams & Norgate.
Trentin, Silvio. Les transformations récentes du droit public italien. De la chartre de Charles Albert à la création de l'état fasciste. Paris: Giard.
Tyler, W. F. Pulling strings in China. London: Constable.

Articles

- Administration.** The emergence of public administration. *Leonard D. White.* Pub. Management. Oct., 1929.
- Albania.** King Zog modernizing Albania. *Nelo Drizari.* Current Hist. Nov., 1929.
- Australia.** Australia. II. The Queensland elections. Round Table. Sept., 1929.
- . Capacity of Australia for immigration. *J. W. Gregory.* Contemp. Rev. Oct., 1929.
- . Australian experiments in state socialism. *F. W. Eggleston.* Edin. Rev. Oct., 1929.
- . Labor in Queensland. *Carter Goodrich.* Nation. Oct. 30, 1929.
- Austria.** Pourquoi Mgr. Seipel a abandonné le pouvoir. *Pierre Waline.* Correspondant. Sept. 10, 1929.
- . L'idée autrichienne. *Mgr. Seipel.* Rev. Bleue. Sept. 21, 1929.
- . The fall of Austria: after ten years. *Sir James Headlam-Morley.* Atlan. M. Oct., 1929.
- . Austria in troubled waters. *G. E. R. Gedye.* Contemp. Rev. Nov., 1929.
- . Austria faces her crisis. *G. E. R. Gedye.* Nation. Nov. 13, 1929.
- . Underlying causes of political crisis in Austria. *Benjamin Steg.* Current Hist. Dec., 1929.
- Baltic States.** Dans les pays du nord. I. Les nouveaux états baltes. *J. de Coussange.* Correspondant. Nov. 25, 1929.
- Belgium.** Nach den belgischen Wahlen. *Emile Vandervelde.* Nord und Süd. July, 1929.
- . La situation politique en Belgique. *Jules Garson.* Rev. Pol. et Parl. Sept., 1929.
- British Empire.** Developments in east and central Africa. *Montague Barlow.* Nat. Rev. Mar., 1929.
- . Commonwealth and crown. *H. T. Postle.* Australian Law Jour. Aug., 1929.
- . Review of legislation. *F. P. Walton, Cecil T. Carr, and Others.* Jour. Comp. Legis. and Int. Law. Aug., 1929.
- . The meaning of imperial trusteeship. *Lord Olivier.* British policy in Africa. *Norman de V. Hart.* Economic organization and development of empire. *Sir Robert Hadfield.* Contemp. Rev. Sept., Oct., Nov., 1929.
- . Imperial economic co-operation. *F. L. McDougall.* English Rev. Oct., 1929.
- . A study of the commonwealth. *Sir E. L. Borden.* Canadian Bar Rev. Nov., 1929.

Bulgaria. Bulgaria's stormy history since the world war. *Theodore Geshkoff*. Current Hist. Oct., 1929.

Canada. Representation by the act of union of 1840. *G. de T. Glazebrook*. The fate of titles in Canada. *D. W. Thomson*. Canadian Hist. Rev. Sept., 1929.

———. Canada. I. The Canadian diplomatic service. Round Table. Sept., 1929.

———. Uniformity of laws in Canada. *R. W. Shannon*. Eligibility of women for the senate. *G. F. Henderson*. Canadian Bar Rev. Oct., Nov., 1929.

———. The Canadian liquor system. I. Evils of government control. *Alfred Edward Cooke*. II. Success of system based on common sense. *Carleton Stanley*. III. The case against regulation and control. *Ernest H. Cherrington*. Canada's loyalty to the king. *Milledge L. Bonham, Jr.* Current Hist. Oct., Nov., 1929.

China. The duel in China. *Editor*. New Repub. Oct. 23, 1929.

———. The Nanking government. *T. A. Bisson*. For. Pol. Assoc. Inf. Service. Oct. 30, 1929.

———. Why China fights. *Louis Fischer*. Nation. Dec. 11, 1929.

Civil Service. The civil service and the modern state: discipline and rights. *Herman Finer*. Pub. Admin. Oct., 1929.

Cuba. Dictatorship in Cuba. *Editor*. New Repub. Oct. 2, 1929.

Czechoslovakia. The political crisis in Czechoslovakia. *Frederic A. Ogg*. Current Hist. Nov., 1929.

Denmark. Ce que pense la jeunesse européenne. XIII. Danemark. *A. Bind-slev*. Rev. Sci. Pol. July-Sept., 1929.

———. Forbud, set fra etisk og folkepsykologisk Synspunkt. *J. Byskov*. Gads Danske Mag. Oct., 1929.

Financial Administration. Some aspects of financial administration. *J. de Villiers Roos*. Pub. Admin. Oct., 1929.

France. Jurisprudence du conseil d'état sur les avantages personnels attachés à la fonction publique. *Gaston Jèze*. Pouvoirs du gouvernement en matière de ratification des traités relatifs aux finances publiques. *Gaston Jèze*. Rev. Droit Pub. et Sci. Pol. July-Sept., 1929.

———. Elsass-Lothringen. *Fritz Jaffé*. Deutsche Arbeit. July, Sept., 1929.

———. Le ministère de l'air et l'aviation d'état. *Le Coq de Kerland*. Les impôts sur les revenus. XXX. Léon Bourgeois. *Marcel Charlot*. Rev. Pol. et Parl. Aug., Sept., 1929.

———. Briand—greatest of pinch-hitters. *Frank H. Simonds*. Rev. of Revs. Sept., 1929.

———. Die französische sozialistische Partei. *Pierre Renaudel*. Briand. *Graf Carlo Sforza*. Nord und Süd. Oct., 1929.

———. Poincaré's Politik. *Hans Delbrück*. Preuss. Jahrbücher. Oct., 1929.

———. Problème alsacien ou problème français? *Michel Réville*. Grande Rev. Oct., 1929.

———. L'Afrique équatoriale française en 1929. *Anselme Laurence*. Rev. Mondiale. Oct. 1, 1929.

———. Problèmes d'enseignement colonial. *Georges Hardy*. Avant la rentrée des chambres. *Ignotus*. Réflexions sur l'élite politique. *Maurice Colrat*.

Finances et majorité. *Marcel Lucain*. L'expérience de M. Daladier. *Fernand de Brinon*. Rev. Paris. Sept. 15, Oct. 15, Nov. 1, 15, 1929.

- ———. Aristide Briand, member of twenty-one French cabinets. *Jules Bois*. Parliamentary groups in France. *Lindsay Rogers*. Tardieu becomes premier of France. *Raymond Turner*. Current Hist. Dec., 1929.

Germany. Zehn Jahre Weimarer Verfassung. *Joh. Victor Bredt*. Nord und Süd. Aug., 1929.

———. The position of civil servants in Germany. *Frederick F. Blachly* and *Miriam E. Oatman*. Southwestern Pol. and Soc. Sci. Quar. Sept., 1929.

———. The German party system. *James K. Pollock, Jr.* Am. Pol. Sci. Rev. Nov., 1929.

———. La politique économique de l'Allemagne. *E. von Borsiege*. Rev. Mondiale. Nov. 1, 1929.

———. Relation of the German judiciary to the executive and legislative branches. *Walter C. Simons*. Am. Bar Assoc. Jour. Dec., 1929.

Great Britain. Economic Policy. Pulling Britain out. *Wickham Steed*. Rev. of Revs. Sept., 1929.

———. Empire free trade. *B. M. Campbell*. The public regulation of wages in Great Britain. *H. Clay*. Econ. Jour. Sept., 1929.

———. A review of unemployment remedies. *E. C. Davison*. The election and the licensing commission. *Isaac Foot*. Public credit and unemployment. *Sir E. Hilton Young*. Contemp. Rev. Sept., Oct., Nov., 1929.

———. Trades unionism: 1929 and after. *W. F. Watson*. Fort. Rev. Oct., 1929.

———. Les remèdes contre le chômage en Angleterre. *Thomas Greenwood*. Rev. Mondiale. Nov. 15, 1929.

———. Electoral Reform. Electoral reform. *Ramsay Muir*. Contemp. Rev. Sept., 1929.

———. A plea for the majority vote. *Sir E. Hilton Young*. Another aspect of voting reform. *N. W. Clayton*. Nine. Cent. Sept., Oct., 1929.

———. Government. The house of lords under Charles II. Part I. *A. S. Turberville*. The circular letters: an eighteenth-century whip to members of parliament. *L. B. Namier*. English Hist. Rev. July, Oct., 1929.

———. En ny Epoke i engelsk Parlamentarisme. *Holger Angelo*. Gads Danske Mag. Sept., 1929.

———. Democracy and the crown. *W. G. Carlton Hall*. The reform of the house of lords. *E. M. C. Denny*. English Rev. Sept., Oct., 1929.

———. The house of lords, 1689-1783. II. *Sir W. S. Holdsworth*. Law Quar. Rev. Oct., 1929.

———. The British civil service and the trade union act of 1927. *J. H. Macrae-Gibson*. Am. Pol. Sci. Rev. Nov., 1929.

———. House of lords reform since 1911. *Eugene Parker Chase*. Pol. Sci. Quar. Dec., 1929.

———. First impressions of a new M. P. *Mary Agnes Hamilton*. Harper's. Dec., 1929.

———. Scots and Welsh demand for home rule. *Ruaraidh Erskine of Marr*. Current Hist. Dec., 1929.

———. The home office—what it is; and the home secretary—what he is. *Lord Brentford*. Sat. Eve. Post. Dec. 7, 1929.

Politics. Das Ergebnis der englischen Wahlen. *Mary Agnes Hamilton*. Nord und Süd. July, 1929.

———. Les élections générales en Angleterre. *Paul Vaucher*. Rev. Sci. Pol. July, Sept., 1929.

———. Great Britain: the general election. Round Table. Sept., 1929.

———. The liberal summer school. *E. D. Simon*. Liberalism and the new parliament. *R. Hopkins Morris*. Contemp. Rev. Sept., 1929.

———. Die beiden England. *M. J. Bonn*. Neue Rundschau. Oct., 1929.

———. The task of the opposition. *Robert Boothby*. English Rev. Oct., 1929.

———. Ramsay MacDonald. *Elizabeth Glendower Evans*. Atlan. M. Oct., 1929.

———. The new test for British labor. *Harold J. Laski*. For. Affairs. Oct., 1929.

———. Die Labourregierung im Spiegel der Kritik ihrer Partei. *Balthasar Weingartz*. Sozialistische Monatshefte. Oct., 1929.

———. Labour policy and prospects. *J. H. Harley*. Fort. Rev. Nov., 1929.

———. The future of the conservative party. *Sir Charles Petrie*. Nine. Cent. Nov., 1929.

———. The British political scene since the election. *Roger H. Soltau*. Am. Pol. Sci. Rev. Nov., 1929.

Greece. Venizelos again supreme in Greece. *Hamilton Fish Armstrong*. For. Affairs. Oct., 1929.

Hungary. Hungary since 1918. *C. A. Macartney*. Slavonic & East European Rev. Mar., 1929.

———. Graf Julius Andrássy. *Ludwig Stein*. Nord und Süd. July, 1929.

India. Les états indigènes de l'Inde. *W. Ivor Jennings*. Rev. Droit Int. et Légis. Comp. No. 3, 1929.

———. Das indische Rätsel. *L. F. Rushbrook-Williams*. Revolution in Indien? *Wolfgang von Wiesel* u. *Ayi Tendulkar*. Nord und Süd. July, Aug., Sept., 1929.

———. Les difficultés de la situation aux Indes. *L. F. Rushbrook-Williams*. Rev. Bleue. Aug. 18, 1929.

———. The Indian states. *W. S. Holdsworth*. N. Y. Univ. Law Quar. Rev. Sept., 1929.

———. The economics of Indian unrest. *Sir Basil Blackett*. For. Affairs. Oct., 1929.

———. Indian problems. *Lord Sydenham of Combe*. English Rev. Oct., 1929.

———. Mahatma Gandhi. *Fritz Diettrich*. Deutsche Rundschau. Oct., 1929.

———. Illiteracy and self-government in India. *C. F. Strickland*. Edin. Rev. Oct., 1929.

———. Justice for India? *H. N. Brailsford*. New Repub. Nov. 27, 1929.

———. India's educational rebellion. *James H. Cousins*. India's demand for dominion status. *Ralston Hayden*. Current Hist. Dec., 1929.

Ireland. Ireland: events in the free state. Round table. Sept., 1929.

Italy. Italy's seven years under Mussolini. *Carleton Beals*. *Current Hist.* Dec., 1929.

Japan. Industrial revolution in Japan. *M. D. Kennedy*. *Fort. Rev.* Nov., 1929.

———. Formosa—Japan's experiment. *K. K. Kawakami*. *Atlan.* M. Dec., 1929.

Yugoslavia. En Yougoslavie: un roi qui gouverne. *Albert Mousset*. *Rev. Hebdom.* Feb. 16, 1929.

———. Ce que pense la jeunesse européenne. XIV. Yougoslavie. *J. Gaja*. *Rev. Sci. Pol.* July-Sept., 1929.

———. Yugoslav crisis a result of Croats' discontent under Serbian domination. *Milan Billich*. *Current Hist.* Oct., 1929.

———. A tale of two pigs: Serbian discontents. *Herbert B. Elliston*. *Atlan.* M. Dec., 1929.

Latin America. Latin America in the twentieth century. *W. A. Hirst*. *Contemp. Rev.* Sept., 1929.

Liquor Problem. La lutte contre la prohibition. *Anselme Laurence*. *Rev. Mondiale.* Aug. 1, 1929.

———. How Europe handles the liquor problem. *T. R. Ybarra*. *World's Work.* Dec., 1929.

Mexico. La lutte religieuse au Mexique et la pacification. *A. Lugan*. *Correspondant.* Sept. 25, 1929.

———. Die soziale Verfassungsgesetzgebung Mexikos. *Rudolf Aladár Métall*. *Zeitschrift für vergleichende Rechtswissenschaft.* XLV. Band I. Heft (1929).

———. Mexico's president reviews his administration. *Charles W. Hackett*. *Current Hist.* Oct., 1929.

———. Mexico's proposed labor code. *Frederick Wright*. *Teaching a nation to live.* *James F. Jenkins*. *Rev. of Revs.* Dec., 1929.

———. Mexico's new leader. *Carleton Beals*. *New Repub.* Dec. 11, 1929.

New Zealand. New Zealand: the task before Sir Joseph Ward. *Round Table.* Sept., 1929.

Nicaragua. Nicaragua's centuries of strife and bloodshed. *James E. Edmonds*. *Current Hist.* Nov., 1929.

Norway. Valgordningen. *Carl Jacob Arnholm*. *Samtiden.* No. 3, 1929.

Poland. Die weissrussische Frage in Polen. *Hasso v. Wedel*. *Preuss. Jahrbücher.* Aug., 1929.

———. L'année 1920 par le maréchal Pilsudski. *Commandant Teslar*. *Rev. Bleue.* Aug. 3, 1929.

Roumania. Die neue Wirtschaftspolitik Rumäniens. *Virgil Madgearu*. *Nord und Süd.* July, 1929.

———. Un homme nouveau en Roumanie: J. Maniu. *Paul Pavel*. *Le développement politique et social de la Roumanie.* *Paul Pavel*. *Rev. Mondiale.* July 1, Sept. 15, 1929.

———. The new régime in Roumania. *H. Charles Woods*. *Fort. Rev.* Sept., 1929.

Russia. La ruine morale au pays de soviets. II. Le désastre de l'instruction publique. *Comte Kotovtsoff*. *Au palais Alexandre après le départ de l'em-*

pereur. *Georges Loukomski*. La vérité sur la tragédie d'Ekaterinbourg. I. Les faits. II. Les responsabilités. *Comte Kokovtsoff*. *Rev. Deux Mondes*. Aug. 1, 15, Oct. 1, 15, 1929.

———. Les maisons de correction et de travail en Russie. *B. Outiewski*. *Rev. Mondiale*. Aug. 15, 1929.

———. La révision de la constitution soviétique. *B. Mirkine-Guetzévitch*. *Rev. Pol. et Parl.* Sept., 1929.

———. Young Russia. Round Table. Sept., 1929.

———. Bolshévismens Kræskader. *P. Østrup*. *Gads Danske Mag.* Sept., 1929.

———. Financing soviet Russia. *Alzada Comstock*. *Fort. Rev.* Sept., 1929.

———. Nature de l'organisation soviétique gouvernementale et sociale. *A. Resanov*. *Mercure de France*. Sept. 15, 1929.

———. Communism by compromise. *J. F. Rudow*. *Outlook*. Oct. 30, 1929.

———. Liberty in the soviet state. The tragedy of the Russian intelligentsia. *William Henry Chamberlin*. *Atlan*. M. Oct., Nov., 1929.

———. Soviet Russia as seen by two eminent American educators: I. A historian's impressions of a new world power. *Albert Bushnell Hart*. II. The problem of educating the masses. *Paul Monroe*. Soviet places new burden on workers. *Edgar S. Furniss*. The grain war in soviet Russia. *Alzada Comstock*. *Current Hist.* Oct., Dec., 1929.

———. Den russiske Kirke og Sovjetregeringen. *Ad. Stender Petersen*. *Tilskueren*. Nov., 1929.

———. The Russian communist party. *Samuel N. Harper*. *Am. Pol. Sci. Rev.* Nov., 1929.

———. Ricordi della rivoluzione russa. III. *Nicola de Baumgarten*. *Nuova Antologia*. Nov. 1, 1929.

———. Russia from a car window. I. II. III. IV. V. VI. *Oswald Garrison Villard*. *Nation*. Nov. 6, 13, 20, 27, Dec. 4, 11, 1929.

———. Russia marks time. Prisoners of utopia. *George Sylvester Viereck*. *Sat. Eve. Post*. Nov. 30, Dec. 14, 1929.

———. Observations on present-day Russia. *Paul Monroe and Others*. *Int. Conciliation*. Dec., 1929.

South Africa. The civil jurisdiction of the supreme court of South Africa *Walter Pollak*. *South African Law Jour.* Aug., 1929.

———. South Africa. I. The general election. The South African native's point of view. Round Table. Sept., 1929.

———. Is South Africa anti-British? *L. E. Neame*. *Fort. Rev.* Sept., 1929.

———. South Africa after the elections. *Jan H. Hofmeyer*. *For. Affairs*. Oct., 1929.

Spain. The corregidor in Spanish colonial administration. *C. E. Castañeda*. *Hisp. Am. Hist. Rev.* Nov., 1929.

———. Valeriano Weyler, Spain's veteran soldier-statesman. *Pierre Crabitès*. Alfonso's responsibility for Rivera's dictatorship. *Abbé Alphonse Lugan*. *Current Hist.* Nov., Dec., 1929.

Sweden. Regerings problemets svårigheter. *Nils Herlitz*. *Svensk Tidskrift*. No. 3, 1929.

- . Det svenska Socialdemokrati. *Johannes Lehman*. Tilskueren. No. 5, 1929.
- **Switzerland.** De la compétence des cantons suisses de conclure des traités internationaux spécialement concernant la double imposition. *Edouard His*. Rev. Droit Int. et Légis. Comp. No. 3, 1929.
- Turkey.** Turkey revisited. *Arnold J. Toynbee*. Contemp. Rev. Oct., 1929.
- . Dictatorship and reforms in Turkey. *Halidé Edib*. Yale Rev. Autumn, 1929.

INTERNATIONAL RELATIONS

Books

- Bellquist, Eric Cyril*. Some aspects of the recent foreign policy of Sweden. Berkeley: Univ. of Calif. Press.
- Benjamin, René*. Les augures de Genève. Paris: Fayard.
- Blakeslee, George H.* The Pacific area: an international survey. Pp. 224. World Peace Foundation Pamphlets. Vol. XII, no. 3 (1929).
- Bomli, P. C.* L'affaire de Mossoul. Pp. 252. Amsterdam: Ed. Paris.
- Cahen-Salvador, Georges*. Les prisonniers de guerre, 1914-1919. Paris: Payot.
- Cardahi, C.* Le problème de l'organisation judiciaire dans le pays du Levant placés sous mandat français. Paris: Sirey.
- Cassel, Gustav, and Others*. Foreign investments. Chicago: Univ. of Chicago Press.
- Conwell-Evans, T. P.* The league council in action. Pp. xi+291. London: Oxford Press.
- Coudenhove-Kalergi, Richard N.* Pan-Europe. Pp. xix+215. N. Y.: Knopf.
- D'Abernon, Lord*. An ambassador of peace. Vol. II. The years of crisis. London: Hodder & Stoughton.
- Daszynski, S., et Radopolski, J.* Impérialisme contre communisme. Le complot économique, diplomatique et militaire contre l'U.R.S.S. Pp. 272. Paris: Bureau d'Editions.
- Davenport, Frances G.* European treaties bearing on the history of the United States and its dependencies. Pp. 392. Washington: Carnegie Institution.
- Dewey, A. Gordon*. The dominions and diplomacy: the Canadian contribution. 2 vols. London: Longmans.
- Fox, H. W.* The religious basis of world peace. London: Williams & Norgate.
- Gay, George I., and Fisher, H. H.* Public relations of the commission for relief in Belgium. 2 vols. Stanford Univ. Press.
- Ghiraldo, Alberto*. La lucha contra el imperialismo. Pp. 214. Madrid: Edition Historia Nueva.
- Grattan, C. Hartley*. Why we fought. N. Y.: Vanguard Press.
- Grotkopp, Wilhelm*. Amerikas Schutzzollpolitik und Europa. Pp. xii+318. Berlin: Walther Rothschild.
- Gwynn, Stephen*, ed. Letters and friendships of Sir Cecil Spring-Rice. 2 vols. Boston: Houghton Mifflin.
- Hjelholt, Holger*. Treitschke und Schleswig-Holstein. Der Liberalismus und

die Politik Bismarcks in der schleswig-holsteinischen Frage. Pp. 271. München: R. Oldenbourg.

Henry Couannier, André. Éléments créateurs du droit aérien. Pp. iv+343. Paris: Per Orbem.

Hewins, W. A. S. The apologia of an imperialist. 2 vols. Pp. xvi+312; 357. London: Constable.

Howland, Charles P., ed. American foreign relations, 1929. (Council on Foreign Relations.) New Haven: Yale Univ. Press.

Huddleston, Sisley. Europe in zigzags. Philadelphia: Lippincott.

Jessup, Philip C. The United States and the world court. Pp. 159. World Peace Foundation Pamphlets. Vol. XII, no. 4 (1929).

Jones, Chester Lloyd, Norton, Henry Kittredge, and Moon, Parker Thomas. The United States and the Caribbean. Chicago: Univ. of Chicago Press.

Jouet, Alphonse. Le problème de l'Anschluss (du Danube à la Meuse). Paris: Peyronnet.

Knauss, A. La guerre hors la loi. Pp. 264. Paris: Spes.

Kohn, Hans. A history of nationalism in the east. (Translated by Margaret M. Green.) Pp. xi+476. London: Routledge.

Korowin, E. A. Das Völkerrecht der Übergangszeit. Pp. 142. Berlin: Walther Rothschild.

Laporte, Henri. Le premier échec des rouges, Russie, Finlande. Paris: Payot.

Lewinsohn, Richard. The mystery man of Europe: the career of Sir Basil Zaharoff. Philadelphia: Lippincott.

Lysen, A. Le pacte Kellogg: documents concernant le traité multilatéral contre la guerre. Leyde: Sijthoff.

Magrini, L. Il dramma di Seraievo. Pp. 250. Milan: Athena.

Manni, Ercole. Il problema della nazionalità. Pp. 153. Modena: Soc. Tip. Modenese.

Memoirs of General Wrangel, The. (Translated by S. F. Goulston.) London: Williams & Norgate.

Michon, Georges. The Franco-Russian alliance, 1891-1917. (Translated by Norman Thomas.) London: Allen & Unwin.

Militch, Milenko. Les attributions communes et les rapports du conseil et de l'assemblée de la société des nations. Pp. iv+316. Paris: Pedones.

Möller, Heinrich A., u. Wolff, Harri. Handbuch der internationalen Rechtsverfolgung. Berlin: Carl Heymann.

Moore, Thomas Ewing. Peter's city: an account of the origin, development, and solution of the Roman question. Pp. 284. London: Harding & More.

Morgenthau, Henry. I was sent to Athens. Pp. 327. N. Y.: Doubleday, Doran.

Motherwell, Hiram. The imperial dollar: an outline of America's progress toward world dominion. N. Y.: Brentano's.

Oertzen, Karl L. von. Rüstung und Abrüstung. Pp. 303. Berlin: Mittler.

Ohnesseit, Wilhelm. Im Reichsdienst in Osteuropa. Pp. 258. Berlin: Georg Stilke.

Reccouly, Raymond. Foch and the world war. N. Y.: Appleton.

Reuterskjöld, C. A. Folkrätt särskilt såsom svensk publik internationell rätt. 2 vols. Pp. viii+168; xii+169-288. Upsala & Stockholm.

Rouček, Joseph S. The working of the minorities system under the league of nations. Prague: Orbis Pub. Co.

Rudesco, C. A. Étude sur la question des minorités de race, de langue et de religion. Pp. 184. Lausanne: Payot.

Scala, Otto Erwin v. Die wirtschaftlichen Vorteile des Anschlusses. Wien: Wilhelm Braumüller.

Schiff, Victor. So war es in Versailles. Pp. 168. Berlin: Dietz.

Schubert, Wilhelm F. Völkerbund und Staatssouveränität. Pp. 128. Berlin: Carl Heymann.

Seligsohn, Franz. Internationale Überinkommen über den Eisenbahnfrachtverkehr. Pp. xvi+751. Berlin: Walther Rothschild.

Sivori, Juan B. La liga de las naciones, su origen y la obra realizada en la republica Argentina. Pp. 588. Buenos Aires: Roldán.

Sorel, Jean-Albert. Le mandat français et l'expansion économique de la Syrie et du Liban. Pp. 260. Paris: Giard.

Stratton, George Malcolm. Social psychology of international conduct. N. Y.: Appleton.

Szilassy, J. de Traité pratique de diplomatie moderne. Pp. 255. Paris: Payot.

Ter Meulen, Jacob. Der Gedanke der internationalen organisation in seiner Entwicklung. Zweiter Band. 1789-1889. Erstes Stück. 1789-1870. Pp. 371. Der Haag: Nijhoff.

Thompson, Warren S. Danger spots in world population. Pp. 343. N. Y.: Knopf.

Torriente, Cosme de la. Cuba y los Estados Unidos. Pp. xlv+317. Havana: Rambla, Bouza & Ca.

Traz, Robert de. L'esprit de Genève. Paris: Grasset.

Tsonitch, Stanoyé V. L'admission dans la société des nations. Pp. 192. Paris: Jouve.

Van Royen, J. H. Die Rechtspositie en de Volkenrechtelijke Erkenning van nieuwe Staten en de Facto-Regeeringen. Pp. xvi+221. The Hague: Nijhoff.

Vulliamy, C. E., ed. The red archives: Russian state papers and other documents relating to the years 1915-1918. (Translated by A. L. Hynes.) Pp. 320. London: Bles.

Weil, Bruno. Die deutsch-französischen Rechtsbeziehungen vom Kriegsbeginn bis zur Gegenwart. Berlin: Carl Heymann.

Wheeler-Bennett, J. W., and Fanshawe, Maurice. Information on the world court. London: Allen & Unwin.

Winkler, Max. Investments of United States capital in Latin America. Pp. 297. World Peace Foundation Pamphlets. Vol. XI, no. 6 (1928).

Wright, Quincy. Mandates under the league of nations. Chicago: Univ. of Chicago Press.

Young, C. Walter. The international relations of Manchuria. Chicago: Univ. of Chicago Press.

Articles

Adriatic. Italien und Jugoslawen in der Adria. *Harold E. Roos.* Europäische Gespräche. Oct., 1929.

Aërial Law. L'aviation postale, ses progrès et son avenir. *Maurice Lewandowski.* Rev. Deux Mondes. Aug. 15, 1929.

———. Le droit aërien. *Pierre Frank.* Canadian Bar Rev. Oct., 1929.

———. Der Kampf um die Luft. *Hugo Eckener, Ernst Kabisch, u. Andere.* Süddeutsche Monatshefte. Oct., 1929.

American Foreign Policy. L'Amérique et l'Europe. *Elihu Root.* Rev. Mondiale. Aug. 15, 1929.

———. Europe and America. *Norman Angell.* Liv. Age. Sept. 1, 1929.

———. Toward a foreign policy. *Pierre Crabitès.* Va. Quar. Rev. Oct., 1929.

———. L'Amérique d'aujourd'hui prédite en 1777. *E. Meyer.* Grande Rev. Oct., 1929.

———. Les États-Unis dans le monde d'aujourd'hui. *Georges Lechartier.* L'Esprit Int. Oct., 1929.

———. L'opinion américaine et M. Briand. *Louis J. A. Mercier.* Rev. Bleue. Nov. 2, 1929.

———. President Hoover and the orient. *C. F. Andrews.* New Repub. Dec. 4, 1929.

Anglo-American Relations. Minds across the sea. *Wickham Steed.* Liv. Age. Sept. 15, 1929.

———. England and America. An Anglo-American entente. *Editor.* New Repub. Oct. 9, 23, 1929.

———. England looks towards America. *S. K. Ratcliffe.* Yale Rev. Autumn, 1929.

———. The American middle-westerner looks at Great Britain. *W. T. Morgan.* Contemp. Rev. Nov., 1929.

———. The new entente: some political consequences of the Anglo-American understanding. *J. M. Kenworthy.* Fort. Rev. Nov., 1929.

———. Anglo-American amenities. *Frank H. Simonds.* Rev. of Revs. Nov., 1929.

Anschluss. Obstacles to the union of Austria with Germany. *Leo Pasvolksky.* Current Hist. Dec., 1929.

Arbitration. La natura giuridica dell'arbitrato internazionale. *G. Balladore Pallieri.* Rev. Diritto Int. July-Sept., 1929.

———. The pan-American arbitration treaty. *William T. Stone.* For. Pol. Assoc. Inf. Service. Nov. 13, 1929.

Armenia. The settlement of the Armenians. *Joseph Burt.* Contemp. Rev. Sept., 1929.

Balkans. The peace of the Balkans. *Robert Machray.* Fort. Rev. Nov., 1929.

———. Balkanomania. *Stanley Casson.* Atlan. M. Nov., 1929.

———. L'entente et les Balkaniques aux premiers mois de la guerre. *Albert Pingaud.* Rev. Deux Mondes. Nov. 1, 1929.

Blockade. Food-ships and the blockade. *Editor.* New Repub. Nov. 20, 1929.

Bolivia. Bolivia's international problems. *Henry Grattan Doyle.* Current Hist. Dec., 1929.

Bolivia-Paraguay. Le conflit entre la Bolivie et le Paraguay à propos du Chaco boréal. *Higinio Arbo*. Rev. Gén. Droit Int. Pub. July-Oct., 1929.

British Foreign Policy. König Eduard VII. und die auswärtige Politik Englands. *Alfred Stern*. Europäische Gespräche. Sept., 1929.

———. L'Angleterre continue. *Comte de Fels*. Rev. Paris. Oct. 1, 1929.

China. China and the powers. *W. E. Leveson*. Fort Rev. Sept., 1929.

Conference. Conference and compromise. *Eduard C. Lindeman*. New Repub. Nov. 20, 1929.

Danube. Das Haager Rechtsgutachten über den Kompetenzstreit Rumäniens und der europäischen Donaukommission. *Fritz Krieg*. Zeitschrift für Völkerrecht. XV. Band. Heft 2 (1929).

Diplomacy. Souvenirs diplomatiques. Ma mission à Constantinople (1896-1900 (*suite et fin*)). *T. G. Djuvara*. Rev. Sci. Pol. July-Sept., 1929.

———. La riconvenzione nella procedura internazionale. *D. Anzilotti*. Riv. Diritto Int. July-Sept., 1929.

———. Du secret diplomatique. *René Dollot*. Rev. Gén. Droit Int. Pub. July-Oct., 1929.

———. Myron T. Herrick. *T. Bentley Mott*. II. III. IV. World's Work. Oct., Nov., Dec., 1929.

Disarmament. Le projet soviétique de réduction des armements. *M. Litvinoff*. Rev. Droit Int. Sci. Dipl. et Pol. Apr.-June, 1929.

———. Abrüstung. *Viscount Cecil of Chelwood*. Frankreich und die Abrüstung. *Léon Jouhaux*. Nord und Süd. July, Aug., 1929.

———. Le désarmement et le socialisme international. *Arthur Henderson*. Rev. Mondiale. July 1, 1929.

———. Avant la conférence du désarmement naval: marine du Ponant, marine du Levant. *René La Bruyère*. Armée nationale ou armée de métier? *Général Debény*. Rev. Deux Mondes. Aug. 1, Sept. 15, 1929.

———. Zur Abrüstungsfrage. *Josef L. Kunz*. Zeitschrift gesamte Staatswissenschaft. Sept., 1929.

———. Navies and peace: A British view. *Philip Kerr*. An American view. *Charles P. Howland*. A naval yardstick. *H. L. Vickery*. The risks of peace. *J. Ramsay MacDonald*. For. Affairs. Oct., Spec. Supp. (Oct.), 1929.

———. The limitation of naval armaments. *Denys P. Myers*, *Moses B. Cotsworth*, and *Others*. Cong. Digest. Oct., 1929.

———. Friedenssicherung durch Abrüstung? *Richard Kleineibst*. Sozialistische Monatshefte. Oct., 1929.

———. Outlying naval bases. *William T. Stone*. For. Pol. Assoc. Inf. Service. Oct. 2, 1929.

———. Mr. MacDonald and the dentist complex. "Augur." The prospects for parity. *D. Arnold-Forster*. Fort. Rev. Oct., Nov., 1929.

———. Main factors of disarmament. *Philip Marshall Brown*. Denmark's disarmament program. *John H. Wuornin*. Anglo-American agreement on naval disarmament. *James Thayer Gerould*. Current Hist. Oct., Nov., 1929.

———. Can armaments be reduced? *Editor*. "Faith, hope and parity." *Sisley Huddleston*. New Repub. Oct. 2, Nov. 13, 1929.

———. Désarmement. *L. Dumont-Wilden*. Rev. Bleue. Nov. 2, 1929.

- . Pacifism in high places. *L. J. Maxse*. *Liv. Age*. Nov. 15, 1929.
- . Il disarmo navale, i sottomarini e gli aeroplani. *Argus*. Nuova Antologia. Nov. 16, 1929.
- . Parity up or down? *Frederick E. Barkley*. *Nation*. Nov. 20, 1929.
- . Storm signals for London. *Frank H. Simonds*. *Rev. of Revs.* Dec., 1929.
- Economic Organization.** Les problèmes de l'économie internationale. *Henri Moro*. *Rev. Econ. Int.* Feb., 1929.
- Economic Sanctions.** Die wirtschaftlichen Sanktionen des Völkerbundes. *Hans Wehberg*. *Gesellschaft*. Jan., 1929.
- . Financial assistance to states threatened with aggression. *J. W. Garner*. *Am. Jour. Int. Law*. Oct., 1929.
- Egypt.** Suspense in Egypt. *Owen Tweedy*. *Fort. Rev.* Sept., 1929.
- . The Egyptian treaty and after. *Charles Sarolea*. *English Rev.* Sept., 1929.
- . Labour, Lord Lloyd and Egypt. *H. St. J. B. Philby*. *Contemp. Rev.* Sept., 1929.
- . Lord Lloyd and Egypt. *J. E. Marshall*. *Quar. Rev.* Oct., 1929.
- . The Nile waters agreement. *Pierre Crabitès*. *For. Affairs*. Oct., 1929.
- . A new status for Egypt. *Elizabeth P. MacCallum*. *Nation*. Oct. 2, 1929.
- . Britain's perils in the new Egyptian treaty. *Thomas Greenwood*. *Current Hist.* Nov., 1929.
- Entente.** Est-ce la fin de l'entente cordiale? *L. Dumont-Wilden*. *Rev. Bleue*. Sept. 7, 1929.
- . The Anglo-French divorce. *Frank H. Simonds*. *Rev. of Revs.* Oct., 1929.
- . Is the entente cordiale ended? *L. Dumont-Wilden*. *Liv. Age*. Oct. 15, 1929.
- Eupen-Malmedy.** Der Selbstbehauptungskampf Eupen-Malmedys. *Werner Wirths*. *Deutsche Rundschau*. Oct., 1929.
- Europe.** Europäische Coöperation. *Wilhelm Heile*. *Nord und Süd*. July, 1929.
- . Les états-unis d'Europe et l'exemple américain. *J. Lambert*. *Rev. Gén. Droit Int. Pub.* July-Oct., 1929.
- . Les états-unis d'Europe. *L. Dumont-Wilden*. *Rev. Bleue*. Aug. 18, 1929.
- . La pan-Europe de M. Briand. *L'Ecouteur*. *Grande Rev.* Sept., 1929.
- . États-unis d'Europe. *Joseph Barthélemy*. *Rev. Pol. et Parl.* Sept., 1929.
- . L'empire britannique et les états-unis d'Europe. *Neville Chamberlain*. *Rev. Mondiale*. Oct. 15, 1929.
- . Une fédération européenne est-elle possible? *Wladimir d'Ormesson*. *Rev. Paris*. Oct. 15, 1929.
- . The united states of Europe. *John A. Hobson*. *Nation*. Oct. 30, 1929.
- . The disunited states of Europe. *Albert Bushnell Hart*. *Current Hist.* Nov., 1929.

———. The united states of Europe. *John A. Hobson*. Contemp. Rev. Nov., 1929.

• ———. The united states of Europe. *Salvador de Madariaga*. Liv. Age. Nov. 1, 1929.

Extraterritoriality. The former foreign settlements in Korea. *Harold J. Noble*. Am. Jour. Int. Law. Oct., 1929.

———. Personal law of British subjects in Egypt and Palestine. *Frederic M. Goadby*. Law Quar. Rev. Oct., 1929.

———. The extraterritorial issue in China. *E. M. Gull*. Nine. Cent. Oct., 1929.

———. China denounces extraterritorial treaties. *Wilbur Burton*. Current Hist. Nov., 1929.

Falkland Islands. The Falkland islands dispute between the United States and Argentina. *Paul D. Dickens*. Hisp. Am. Hist. Rev. Nov., 1929.

Freedom of the Seas. Englisch-amerikanische Flottenrivalität und Freiheit der Meere. *Tarakanth Das*. Preuss. Jahrbücher. Aug., 1929.

———. Political reasons making undesirable an international agreement as to freedom of the seas. *William Ledyard Rodgers*. Freedom of the seas. *Chandler P. Anderson*. Am. Jour. Int. Law. Oct., 1929.

———. Is the doctrine of the freedom of the seas obsolete? *Harold S. Quigley*. The world-wide naval problem: I. Disarmament as affected by freedom of the seas. *Burton L. French*. II. A new code of sea law. *George Young*. Current Hist. Oct., Dec., 1929.

———. Anglo-American relations and sea power: I. An English view. *Sir Valentine Chirol*. II. An American view. *H. B. Elliston*. III. A naval view. *Sir Archibald Hurd*. Nine. Cent. Nov., 1929.

———. Free ships or free seas? *George Young*. New Repub. Dec. 4, 1929.

German Foreign Policy. La nouvelle Allemagne politique. *Maurice Aubrey*. Grande Rev. Sept., 1929.

———. Der Aussenpolitiker Stresemann. *Julius Kaliski*. Sozialistische Monatshefte. Oct., 1929.

———. M. Stresemann et le rapprochement franco-allemand. *L. Dumont-Wilden*. Rev. Bleue. Oct. 19, 1929.

———. Il pensiero e l'opera di Gustavo Stresemann. *Francesco Tommasini*. Nuova Antologia. Nov. 16, 1929.

Greenland. La question de la souveraineté sur le Groenland oriental. *Jens Bull*. Rev. Droit Int. et Légis. Comp. No. 3, 1929.

Haiti. The American occupation of Haiti. *Raymond Leslie Buell*. For. Pol. Assoc. Inf. Service. Nov. 27-Dec. 12, 1929.

———. Hoover's problem in Haiti. *Editor*. New Repub. Dec. 18, 1929.

Indian Tribes. Indians and treaties in law. *N. A. M. MacKenzie*. Canadian Bar Rev. Oct., 1929.

International Administration. The personnel of international administration. *Norman L. Hill*. Am. Pol. Sci. Rev. Nov., 1929.

International Labor Organization. Works and methods of the international labour organization. *H. A. Grimshaw*. Koloniale Studien. Apr., 1929.

- . International labor relations of federal governments. *Francis G. Wilson*. Southwestern Pol. and Soc. Sci. Quar. Sept., 1929.
- International Law.** Entscheidungen nationaler Gerichte von völkerrechtlichen Bedeutung. *Karl Strupp*. Zeitschrift für Völkerrecht. XV. Band. Heft 2 (1929).
- . La justice internationale et la protection des intérêts privés (*à suivre*). *S. Rundstein*. Rev. Droit Int. et Légis. Comp. No. 3, 1929.
- . La session de l'institut international du droit public. XXX. Rev. Pol. et Parl. Aug., 1929.
- . Measure of damages in international law. *Clyde Eagleton*. Yale Law Jour. Nov., 1929.
- . Equity as a concept of international law (*to be continued*). *Lester Bernhardt Orfield*. Ky. Law Jour. Nov., 1929.
- . The new international law. *James W. Garner*. Miss. Law Jour. Nov., 1929.
- League of Nations.** Les précurseurs espagnols de la S. D. N. *A. Revecz*. Rev. Mondiale. Aug. 1, 1929.
- . Who kept the United States out of the league of nations? *H. Maurice Darling*. Canadian Hist. Rev. Sept., 1929.
- . Briand at Geneva. *René Benjamin*. Ten years of the league. *Lord Robert Cecil*. Some human aspects of the league. 'Peer Gynt.' Liv. Age. Sept. 1, Oct. 15, Nov. 15, 1929.
- . Quelques réflexions touchant le règlement des conflits internationaux. *A. Decencière-Ferrandière*. Rev. Gén. Droit Int. Pub. July-Oct., 1929.
- . La IX^{me} assemblée de la société des nations. *Antoine Sottile*. Zeitschrift für Völkerrecht. XV. Band. Heft 2 (1929).
- . The election of Canada to the league of nations council in 1927. *Fred-eric H. Soward*. Am. Jour Int. Law. Oct., 1929.
- . La X^e assemblée de la société des nations. *Georges Scelle*. Rev. Pol. et Parl. Oct., 1929.
- . The tenth assembly. *H. Wilson Harris*. Contemp. Rev. Oct., 1929.
- . Werk und Werkzeuge des Völkerbundes. *Lord Robert Cecil*. Der Völkerbund sine ira. *Erich Koch-Weser*. Wie Genf Völkerbundstadt wurde. *William E. Rappard*. Völkerbund und Völkerrecht. *S. Rundstein*. Nord und Süd. Oct., 1929.
- . The league revives. *H. N. Brailsford*. Latin America at Geneva. *Editor*. New Repub. Oct. 2, 16, 1929.
- . "Swaraj": India, and the league of nations. *Arthur Davies*. A reply. *Sir Reginald Craddock*. Nine. Cent. Oct., Nov., 1929.
- . Reflections from Geneva. *Hugh F. Spender*. Fort Rev. Nov., 1929.
- . La X^e assemblée de la S. D. N. *Pierre de Quirelle*. Correspondant. Nov. 10, 1929.
- Manchuria.** Le conflit sino-soviétique et le chemin de fer de l'est chinois. *G. M.* Rev. Pol. et Parl. Aug., 1929.
- . Weltpolitik in der Mandchurei. *Georg Cleinow*. Neue Rundschau. Sept., 1929.
- . Japan looks at the Russo-Chinese dispute. *K. K. Kawakami*. Nine. Cent. Sept., 1929.

- . *Manchuria to-day*. *Richard Hülsenbeck*. Liv. Age. Sept. 15, 1929.
- . *The Russo-Chinese conflict in Manchuria*. *K. K. Kawakami*. For. Affairs. Oct., 1929.
- . *The Manchurian tangle*. *Robert Machray*. Fort. Rev. Oct., 1929.
- . *Soviet-Chinese negotiations for settlement of railway dispute*. *Harold S. Quigley*. Current Hist. Oct., 1929.
- Mandates.** *Economic equality and the mandates commission*. *Edward C. Jenkins*. Jour. Pol. Econ. Oct., 1929.
- . *Ostafrikanische Eingebornenrechte*. *Heinrich Dove*. Preuss. Jahrbücher. Oct., 1929.
- . *The crisis in east Africa*. *Raymond Leslie Buell*. Nation. Nov. 6, 1929.
- . *The mandates system after ten years*. *Raymond Leslie Buell*. Current Hist. Dec., 1929.
- Mediterranean.** *Crispi e la politica mediterranea e orientale. III*. *G. Palumbo Cardella*. Politica. June-Aug., 1929.
- Mexico.** *Le problème mexicain, les États-Unis et nous*. *Jacques Kulp*. Rev. Deux Mondes. Oct. 15, 1929.
- Minorities.** *Quelques réflexions sur les récentes discussions relativement à la protection des minorités*. *A. H. Philippe*. Rev. Droit Int. et Légis. Comp. No. 3, 1929.
- . *Madrid und Minderheiten*. *Austriacus*. Neue Literatur zur Minderheitenfrage. *Hermann Raschhofer*. Minderheitenrecht in deutschen Reich. *Hermann Raschhofer*. Deutsche Arbeit. July, Aug., 1929.
- . *The unhealed wounds of Europe*. *Sir Willoughby Dickinson*. Contemp. Rev. Sept., 1929.
- . *La Hongrie et les minorités*. *Comte Franz Hunyadi*. Rev. Mondiale. Sept. 1, 1929.
- Montenegro.** *Le calvaire d'un petit peuple héroïque: le Monténégro et son droit d'existence*. *Truels wiel*. Rev. Droit Int., Sci. Dipl. et Pol. April-June, 1929.
- Morocco.** *L'Allemagne au Maroc*. *P. Louis Rivière*. Rev. Sci. Pol. July-Sept., 1929.
- . *Great Britain and France in northern Africa*. Round Table. Sept., 1929.
- . *Morocco revisited*. *Charles E. Hobhouse*. Contemp. Rev. Oct., 1929.
- Nationalism.** *Nationalism in German history textbooks*. *P. E. Lutz*. Hist. Outlook. Oct., 1929.
- Naturalization.** *The Italo-American conflict on naturalization*. *Robert Ferrarì*. Current Hist. Nov., 1929.
- Near East.** *The labor government of the near east*. *George C. Young*. New Repub. Oct. 23, 1929.
- Oil Policy.** *La politique du pétrole*. *François Lescazes*. Nouvelle Rev. Aug. 1, Oct. 1, 15, Nov. 1, 15, 1929.
- . *Oil legislation in South America*. *Sir Arnold Wilson*. For. Affairs. Oct., 1929.
- Outlawry of War.** *Kellogg-Vertrag und Völkerrecht*. *Georg Cohn*. Zeitschrift für Völkerrecht. XV. Band. Heft 2 (1929).

- . Kellogg-Pagt og Litvinoff-Protokol. *Gustav Rasmussen*. Gads Danske Mag. July-Aug., 1929.
- . Le pacte de Paris et le problème du désarmement. *Nicolas Politis*. L'Esprit Int. Oct., 1929.
- . The legal effect of the Kellogg-Briand treaty. *E. A. Harriman*. Boston Univ. Law Rev. Nov., 1929.
- . Did Stimson blunder? *Editor*. New Repub. Dec. 18, 1929.
- Pacific.** Peace in the Pacific. *Chester H. Rowell*. World's Work. Nov., 1929.
- Palestine.** Palästina und der Sozialismus. *Julius Kaliski*. Sozialistische monatshefte. Sept., 1929.
- . Palästinensisches. *Samuel Saenger*. Neue Rundschau. Oct., 1929.
- . Les événements de Palestine. *Kadmi-Cohen*. Mercure de France. Oct. 1, 1929.
- . Les événements de Palestine. *Eugène Godefroy*. Correspondent. Oct. 10, 1929.
- . The Palestine conflict. *Elizabeth P. MacCallum*. For. Pol. Assoc. Inf. Service. Oct. 16, 1929.
- . Myths in Palestine. *William Zukerman*. Nation. Oct. 16, 1929.
- . The Arab attack on the Jews in Palestine. *William Schack*. The conflict between Jews and Arabs in Palestine. *Albert H. Lybyer*. The Arab-Jewish conflict in Palestine: I. Palestine Arab's claim to be fighting for national existence. *Ameen Rihani*. II. Zionism as a spiritual ideal and a blessing to Palestine. *Meyer W. Weisgal*. Continued danger in Palestine. *Albert H. Lybyer*. Current Hist. Oct., Nov., Dec., 1929.
- . Jerusalem in ferment. *Hallen Viney*. Atlan. M. Dec., 1929.
- Persia.** Anglo-Persian relations. *H. A. Edin*. Rev. Oct., 1929.
- Polish Corridor.** Peace and the Polish corridor. *J. H. Harley*. English Rev. Sept., 1929.
- Prohibition.** L'exterritorialité des ambassades et le prohibition de l'alcool aux États-Unis. *Crabitès*. Rev. Pol. et Parl. Aug., 1929.
- . The I'm Alone. *Clyde Eagleton*. N. Y. Univ. Law Quar. Rev. Sept., 1929.
- Protectorate.** Das französische Protektorat in Hinterindien. *Erich von Salzmänn*. Deutsche Arbeit. Aug., Sept., 1929.
- Recognition.** Extraterritorial effect of unrecognized governments. *Bernard Samuels*. N. Y. Univ. Law Quar. Rev. Sept., 1929.
- Refugee Problem.** I was sent to Athens. *Henry Morgenthau*. World's Work. Oct., 1929.
- Reparations.** La liquidation de la guerre. De la Haye à Genève ou l'organisation des illusions. *L. Dumont-Wilden*. Rev. Bleue. July 20, Sept. 21, 1929.
- . Où en est la liquidation des dommages de guerre. *Georges Baudoux*. Rev. Pol. et Parl. Aug., 1929.
- . German reparations—1929. *S. Parker Gilbert and Others*. Cong. Digest. Aug.-Sept., 1929.
- . Mr. Keynes' views on the transfer problem. I. *Jacques Rueff*. II. *B. Ohlin*. III. *J. M. Keynes*. Econ. Jour. Sept., 1929.
- . Poincaré and the Hague. "Augur." Fort. Rev. Sept., 1929.

- . De la Haye à Genève. *Georges Guy-Grand*. Grande Rev. Sept., 1929.
- . A la conférence de la Haye.—Choses vues et entendues. I. II. *Maurice Pernot*. Où sera la siège de la banque internationale? *Lucien Petit*. Rev. Deux Mondes. Sept. 1, 15, Nov. 15, 1929.
- . La conférence de la Haye et la diplomatie. *Pierre Bernus*. Rev. Paris. Sept. 15, 1929.
- . The reparations settlement. *Leon Fraser*. Int. Conciliation. Oct., 1929.
- . La conférence de la Haye et l'esprit international. *Maurice Pernot*. L'Esprit Int. Oct., 1929.
- . Der Ziffernstreit im Haag. *Robert Dell*. Nord und Süd. Oct., 1929.
- . The Hague conference and after. *Hugh F. Spender*. Contemp. Rev. Oct., 1929.
- . Britain at the Hague. *Philip Snowden*. Liv. Age. Oct. 1, 1929.
- . Transatlantic finance. *Louis T. McFadden*. Sat. Eve. Post. Oct. 19, 1929.
- . The riddle of reparations. Will the Young plan work? The international bank. *George Soule*. New Repub. Nov. 6, 13, 20, 1929.
- . La banca dei regolamenti internazionali. *G. B. Nuova Antologia*. Nov. 16, 1929.
- . Problems of creating international bank. *James Thayer Gerould*. Current Hist. Dec., 1929.
- . War indemnities and business conditions. II. *Georg Bielschowsky*. Pol. Sci. Quar. Dec., 1929.
- . The reparations referendum. *A. H. Feller*. Nation. Dec. 4, 1929.
- Reservations.** Le riserve nelle convenzioni collettive. *C. Baldoni*. Riv. Diritto Int. July-Sept., 1929.
- Responsibility of States.** Étude sur la responsabilité internationale de l'état. *W. van Hille*. Rev. Droit Int. et Légis. Comp. No. 3, 1929.
- Rhine.** L'évacuation de la Rhénanie. *Wladimir d'Ormesson*. Rev. Paris. Aug. 1, 1929.
- Russia.** Il concetto sovietista di diritto internazionale. I. *G. Filippucci-Giustiniani*. Politica. June-Aug., 1929.
- . Les relations germano-russes. *Otto Hoetzsch*. L'Esprit Int. Oct., 1929.
- . Shall we recognize Russia? *A. Duff-Gordon* and *Charles Roden Buxton*. Fort. Rev. Oct., 1929.
- Saar.** Zur Auslegung des Versailler Vertrages (Saargebiet). *Dr. Heinsheimer*. Zeitschrift für Völberecht. XV. Band. Heft. 2 (1929).
- . Le problème de la Sarre. *Kenneth Headlam-Morley*. La Paix. Feb., 1929.
- . Le long de nos frontières.—La question de la Sarre. *Fr. De Witt-Guizot*. Rev. Deux Mondes. Oct. 15, 1929.
- . Le problème de la Sarre et la négociation franco-allemande. *Etienne Bougouin*. Mercure de France. Oct. 15, 1929.
- State Succession.** The succession of the Irish free state. *Charles Keith Uren*. Mich. Law Rev. Dec., 1929.

Swedish Foreign Policy. Svensk utrikespolitik. *Rutger Essén.* Svensk Tidsskrift. No. 3, 1929.

Tangier. Die völkerrechtliche Entwicklung der Tangerfrage 1923-1928. *Manfred Langhans-Ratzeburg.* Zeitschrift für Völkerrecht. XV. Band. Heft 2 (1929).

Tariff. Le conflit douanier mondial. *A. Daudé-Bancel.* Grande Rev. Aug., 1929.

———. Die europäische Zollmauern. *Sir Clive Morrison-Bell.* Nord und Süd. Aug., 1929.

———. The tariff bill and our friends abroad. *F. W. Taussig.* European reactions to American tariff proposals. *André Siegfried.* For. Affairs. Oct., 1929.

———. South American opposition to United States tariff policy. *Henry Grattan Doyle.* Current Hist. Oct., 1929.

———. The tariff as a matter of international concern. *Arthur K. Kuhn.* Am. Jour. Int. Law. Oct., 1929.

Treaties. Interpretation of treaties. *Alexander P. Fachiri.* The interpretation of treaties. *Philip Marshall Brown.* The interpretation of treaties by the supreme court of the United States. *Charles Cheney Hyde.* Am. Jour. Int. Law. Oct., 1929.

———. De l'inefficacité des conventions internationales en temps de guerre. *François Maurry.* Rev. Bleue. Oct. 19, 1929.

Tyrol. Südtirol und das italienische Konkordat. *Friedrich Mauerkircher.* Deutsche Arbeit. Sept., 1929.

Vatican. Remarques sur la politiques: les deux Rome. *Georges Guy-Grand.* Grande Rev. July, 1929.

———. Le traité de latran (11 fév. 1929) et la situation juridique nouvelle de la papauté. *J. T. Delos.* Rev. Gén. Droit Int. Pub. July-Oct., 1929.

———. Das preussische Konkordat. *Joh. Victor Bredt.* Preuss. Jahrbücher. Aug., 1929.

———. The Roman question and the lateran agreements. Round Table. Sept., 1929.

———. Rome of yesterday and today. *Luigi Villari.* Edin. Rev. Oct., 1929.

———. The new crusade. *E. W. Polson Newman.* Fort. Rev. Oct., 1929.

———. A diplomatic incident: when Washington closed our vatican ministry. *Atlan. M.* Oct., 1929.

———. The magnificent emergence: old Rome makes new history. *Adam Day.* Century. Autumn, 1929.

———. Le concordat prussien. *Jacques Maupas.* Correspondent. Nov. 10, 1929.

Versailles Treaty. Against Versailles. *Count Ulrich von Brockdorff-Rantzau.* Liv. Age. Sept. 1, 1929.

———. Der Volksrechtsgedanke und die Rechtsvorstellungen von Versailles. *Edgar J. Jung.* Deutsche Rundschau. Oct., 1929.

War. La guerre à l'histoire. *Charles Delvert.* Rev. Deux Mondes. Oct. 15, 1929.

War Debts. La ratification. *Ignotus.* La ratification et l'opinion. *François Piétri.* Rev. Paris. Aug. 1, 15, 1929.

———. La ratification de l'accord franco-américain Mellon-Bérenger sur le remboursement des prêts. *Gaston Jèze.* L'Esprit Int. Oct., 1929.

———. The war debts. *Edwin L. James.* World's Work. Oct., 1929.

World Court. Les affaires traitées par la cour permanente de justice internationale pendant la période 1926-1928 (*suite*). *Michel de la Grotte.* Rev. Droit Int. et Legis. Comp. No. 3, 1929.

———. La révision du statut de la cour permanente de justice internationale. *R. Cassin.* Rev. Gén. Droit Int. Pub. July-Oct., 1929.

———. Der Haager Gerichtshof vor der 10. Vollversammlung. *René Cassin.* Nord und Süd. Oct., 1929.

———. The permanent court of international justice: American accession and amendments to the statute. *Philip C. Jessup.* Int. Conciliation. Nov., 1929.

———. The world court. *Newton D. Baker.* Am. Bar Assoc. Jour. Dec., 1929.

World Peace. Die Revolution des Friedens. *Otto Lehmann-Russbüdt.* Die Hoffnung auf Frieden. *Nicholas Murray Butler.* Nord und Süd. Aug., Sept., 1929.

———. A fresh start in international affairs. Round Table. Sept., 1929.

———. La paix et le projet de Kant. *Henri Sériouya.* Mercure de France. Sept. 1, 1929.

———. Early plans for world peace. *C. C. Tansill.* Hist. Outlook. Nov., 1929.

———. Sovranità e giustizia nei rapporti fra gli stati. *Carlo Schanzer.* Nuova Antologia. Nov. 1, 1929.

World War. Serbiens und der Entente Vorkriegspolitik im Lichte neuer Urkunden. *Curt Schütt.* Preuss. Jahrbücher. Aug., 1929.

———. Études diplomatiques.—Le premier mois de la guerre mondiale. *Albert Pingaud.* La paix des empires centraux. I. II. * * *. Rev. Deux Mondes. Aug. 1, Sept. 1, 15, 1929.

———. Documents diplomatiques français. *Elie Halévy.* Rev. Paris. Sept. 1, 1929.

———. Les origines de la guerre. *M. Groub.* Rev. Bleue. Sept. 7, 1929.

———. The last days of the Hapsburg empire. *Ian F. D. Morrow.* Edin. Rev. Oct., 1929.

———. Foch and Clemenceau. *Raymond Recouly.* Scribner's. Oct., 1929.

———. Die französische Aktenpublikation. *Louis Eisenmann.* Europäische Gespräche. Oct., 1929.

———. Russia and Constantinople: Count Kokovtsov's evidence. *Michael T. Florinsky.* For. Affairs. Oct., 1929.

———. The German declaration of war on France: the question of telegram mutilations. *Harry Elmer Barnes.* Am. Hist. Rev. Oct., 1929.

———. Germany and the crime of the world war. *C. G. Fenwick.* Am. Jour. Int. Law. Oct., 1929.

———. The Potsdam conference: new evidence corroborating ambassador Morgenthau. *Raymond Turner.* Current Hist. Nov., 1929.

JURISPRUDENCE

Books

- Dabin, Jean.* La philosophie de l'ordre juridique positif. Paris: Sirey.
- Durham, M. Edith.* Some tribal origins, laws, and customs of the Balkans. Pp. 318. N. Y.: Macmillan.
- Ehrlich, Eugen.* Grundlegung der Soziologie des Rechts. Pp. 409. München.
- Twining, A. C.* The morality of punishment. Pp. xiv+234. London: Kegan Paul.
- Geldart, W. M.* Elements of English law. (Revised by Sir William Holdsworth.) Pp. 256. London: Butterworth.
- Giese, Friedrich.* Einführung in die Rechtswissenschaft. Pp. 108. Berlin: Spaeth & Linde.
- Goodenough, Erwin R.* The jurisprudence of the Jewish courts in Egypt. New Haven: Yale Univ. Press.
- Hampe, T.* Crime and punishment in Germany. (Translated by Malcolm Letts.) London: Routledge.
- Harris, Louis.* The story of crime. Boston: Stratford Press.
- Johnsen, Julia E., comp.* The Baumes law. Pp. 189. N. Y.: H. W. Wilson.
- McCarty, Dwight G.* Psychology for the lawyer. Pp. 723. N. Y.: Prentice-Hall.
- Moschzisker, Robert von.* Stare decisis, res judicata, and other selected essays. Pp. vii+375. Philadelphia: Cyrus M. Dixon.
- Plucknett, Theodore F. T.* A concise history of the common law. Rochester (N. Y.): Lawyers Co-op. Pub. Co.
- Port, Frederick John.* Administrative law. N. Y.: Longmans.
- Rothe, Tancrède.* L'esprit du droit chez les anciens. Pp. ii+157. Paris: Sirey.
- Sauer, Wilhelm.* Lehrbuch der Rechts- und Sozialphilosophie. Pp. xx+348. Berlin: Walther Rothschild.
- Sellin, Thorstein, ed.* The police and the crime problem. Pp. v+293. Ann. Am. Acad. Nov., 1929.
- Vinogradoff, Paul.* Roman law in medieval Europe. (Second ed., by F. de Zulueta.) Pp. 155. N. Y.: Oxford Univ. Press.

Articles

- Administrative Law.** Rechtsstaat und Verwaltungsrecht. *Fritz Morstein Marx.* Zeitschrift gesamte Staatswissenschaft. Sept., 1929.
- Admiralty Law.** Tradition and commonsense in admiralty. *Ernest Bruncken.* Marquette Law Rev. Dec., 1929.
- Ambulance Chasing.** The practice of law by non-lawyers. *Charles L. Aarons.* Marquette Law Rev. Dec., 1929.
- American Law Institute.** How the work of the American law institute may be applied in practice. *J. G. Hardgrove.* Marquette Law Rev. Dec., 1929.
- Analytical Jurisprudence.** Analytical jurisprudence as related to modern legal methods. *Frederick J. de Sloovere.* N. Y. Univ. Law Quar. Rev. Sept., 1929.

———. The study of jurisprudence. *J. F. Davison*. Canadian Bar Rev. Sept., 1929.

• **Appeals.** English appellate procedure. *Samuel O. Clark, Jr.* Yale Law Jour. Nov., 1929.

———. Penalties for frivolous appeals. *Note Editor*. Harvard Law Rev. Nov., 1929.

Arbitration. Arbitration and award: commercial arbitration in California. *E. J. S.* Calif. Law Rev. Sept., 1929.

Bar. The influence of the bar in the advance of civilization. *Samuel Rubin*. Jour. Crim. Law and Crim. Nov., 1929.

———. Conservation of the traditions of the legal profession. *Gurney E. Newlin*. Character requirements for admission to bar: the judiciary's responsibility. *William C. Coleman*. What the bar is doing—what more it can do. *Emory R. Buckner*. Am. Bar Assoc. Jour. Dec., 1929.

———. Some duties and responsibilities of the legal profession. *John H. Lewis*. Com. Law League Jour. Dec., 1929.

Blackstone. Bentham on Blackstone: a review. *William Renwick Riddell*. Am. Bar Assoc. Jour. Nov., 1929.

Capital Punishment. Murder and the death penalty. *E. Roy Calvert*. Nation. Oct. 16, 1929.

Case Method. The case method in Canada and the possibilities of its adaptation to the civil law. *Edouard Lambert* and *Max J. Wasserman*. Yale Law Jour. Nov., 1929.

Certiorari. Purpose of certiorari in supreme court practice and effect of denial or allowance. *James Craig Peacock*. Am. Bar Assoc. Jour. Nov., 1929.

Common Law. Is there a common will? *Learned Hand*. Mich. Law Rev. Nov., 1929.

Conflict of Laws. Les accords de latran et le droit international privé. *J. P. Niboyet*. Rev. Droit Int. Sci. Dipl. et Pol. Apr.-June, 1929.

———. Problème der deutsch-österreichischen Rechtsangleichung. *Heinrich Mitteis*. Preuss. Jahrbücher. Oct., 1929.

———. The divorce of Americans in Mexico. *Lindell T. Bates*. Am. Bar Assoc. Jour. Nov., 1929.

Constitutional Law. Verfassungslehre. *Fritz Hartung*. Zeitschrift gesamte Staatswissenschaft. Sept., 1929.

Contempt of Court. Jury shadowing as contempt of court. *Henry Alan Johnston*. U. S. Law Rev. Oct., 1929.

Crime. The criminal. II. Small fry. III. Sheep in wolves' clothing. *A. R. L. Gardner*. Nine Cent. Sept., Oct., 1929.

———. Combating crime. *Clarence Darrow*. Forum. Nov., 1929.

———. The activities and results of crime surveys. *John M. Pfiffner*. Am. Pol. Sci. Rev. Nov., 1929.

Equality before Law. "Poor persons" in the law courts. Quar. Rev. Oct., 1929.

Equity. The origin of equity. *Charles A. Keigwin*. The nature of equitable rights and equitable title. *William F. Walsh*. Georgetown Law Jour. Nov., 1929.

———. Blackstone's treatment of equity. *Sir W. S. Holdsworth*. Harvard Law Rev. Nov., 1929.

Habitual Criminals. Modern tendencies in habitual criminal legislation. *J. A. Royce McCuaig*. Cornell Law Quar. Dec., 1929.

Humanism. Some jurists and humanists. *Bertram B. Benas*. Jurid. Rev. Sept., 1929.

Judiciary. The judicial task. *Truman S. Stevens*. Neb. Law Bull. July, 1929.

———. "To establish justice." *Andrew R. Sherriff*. Jour. Am. Judicature Soc. Dec., 1929.

———. Observations on judicial opinions. *Joseph C. Higgins*. Tenn. Law Rev. Dec., 1929.

Jury. An optional alternative for the jury in civil cases. *Robert W. Devoe*. Neb. Law Bull. July, 1929.

———. Judicial comment on the evidence in jury trials. *Henry L. Walker*. Am. Bar Assoc. Jour. Oct., 1929.

———. Waiver of jury in felony trials. *W. Abraham Goldberg*. Mich. Law Rev. Dec., 1929.

Law Enforcement. The popular dogma of law enforcement. *Walter Lippmann*. Yale Rev. Autumn, 1929.

———. Officialism and lawlessness. *Albert Jay Nock*. Harper's. Dec., 1929.

———. Justice on the carpet. *Richard Washburn Child*. Sat. Eve. Post. Dec. 7, 1929.

———. Law enforcement is in the hands of the average citizen. *H. E. French*. Am. City. Dec., 1929.

Law Librarians. The educational requirements of law librarians. *Frederick C. Hicks*. Am. Bar Assoc. Jour. Nov., 1929.

Law of the Case. The "law of the case" in Massachusetts. *Henry T. Lummus*. Boston Univ. Law Rev. Nov., 1929.

Layman. The layman in quasi-judicial positions. *S. H. McCuaig*. Canadian Bar Rev. Nov., 1929.

Legal Education. Legal scholarship and keys to judicial law-making. *L. Vold*. Measure of responsibility which should be assumed by law schools. *H. W. Arant*. Am. Bar Assoc. Jour. Nov., Dec., 1929.

———. Juristic psychopoyemetrology. *John H. Wigmore*. Ill. Law Rev. Dec., 1929.

Legal History. The cradle of western law: a survey of ultimate judicial sources. *Charles Sumner Lobingier*. U. S. Law Rev. Nov., 1929.

Mexican Code. Mexico's bold experiment in new criminal code. *Salvador Mendoza*. Current Hist. Oct., 1929.

Moral Turpitude. Criminal law—moral turpitude. *J. G. G.* South. Calif. Law Rev. Oct., 1929.

———. Crimes involving moral turpitude. *Note Editor*. Harvard Law Rev. Nov., 1929.

Officiousness. Officiousness. I. *Edward W. Hope*. Cornell Law Quar. Dec., 1929.

Parole. Parole: principles and practice. *Clair Wilcox*. Jour. Crim. Law and Crim. Nov., 1929.

Penalties. Possible penalties for crime. *Dorothy Jean Randall*. Jour. Crim. Law and Crim. Nov., 1929.

Prisons. Revolt in our prisons. *T. B. Ybarra*. Outlook. Oct. 30, 1929.

———. The relation of jails to county and state. *Louis N. Robinson*. Jour. Crim. Law and Crim. Nov., 1929.

———. English prisons—what they are like. *Lord Brentford*. Sat. Eve. Post. Dec. 14, 1929.

Problems of Law. The permanent problems of the law. *Max Radin*. Cornell Law Quar. Dec., 1929.

Procedure. Modern English and ancient Roman criminal procedure. *Erwin J. Urch*. U. S. Law Rev. Sept., 1929.

———. Some problems of bench and bar. *Josiah Marvel*. Miss. Law Jour. Nov., 1929.

———. Justice in British Columbia. Jour. Am. Judicature Soc. Oct., 1929.

———. Trial procedure—past, present and future. *Owen J. Roberts*. Am. Bar Assoc. Jour. Nov., 1929.

———. English procedure in trials and appeals. *Thomas Hewes*. Who shall control criminal procedure? Jour. Am. Judicature Soc. Dec., 1929.

Racketeering. The high cost of hoodlums. *John Gunther*. Harper's. Oct., 1929.

Roman Law. Expropriation in Roman law. *J. Walter Jones*. Law Quar. Rev. Oct., 1929.

Self-Crimination. A critical comment on the privilege against self-crimination. *Gabriel Wartels* and *Basil H. Pollitt*. Ky. Law Jour. Nov., 1929.

Sociological Jurisprudence. Vorfagen der Rechtssoziologie. *Julius Kraft*. Zeitschrift für vergleichende Rechtswissenschaft. XLV. Band. I. Heft (1929).

———. Soziologie und Rechtsphilosophie. *Peter Zissis*. Archiv Rechts-u. Wirtschaftspraxis. Oct., 1929.

Spanish Penal Code. Le nouveau code pénal espagnol. *José Guallart L. de Goicoechea*. Bull. l'Inst. Interméd. Int. Oct., 1929.

Witness. Religious belief as qualification of a witness. *J. Crawford Biggs*. N.C. Law Rev. Dec., 1929.

World Law Bureau. A world law bureau. *Charles W. Atwater*. Cornell Law Quar. Dec., 1929.

LOCAL GOVERNMENT

Books

Ashford, Ethel B. Local government. Pp. viii+119. London: P. S. King.
Danneberg, Robert. La municipalité social-démocrate de Vienne. Paris: L'Eglantine.

Duffus, R. L. The New York of the future. N. Y.: Harper's.

Ferris, Hugh. The metropolis of tomorrow. N. Y.: Ives Washburn.

Hoffer, Frank W. Counties in transition: a study of county, public and private welfare administration in Virginia. Pp. xv+255. University (Va.): Institute for Research in the Social Sciences.

Hubbard, Mrs. Theodora Kimball, and Hubbard, Henry Vincent. Our cities of today and tomorrow: a survey of planning and zoning progress in the United States. Pp. 407. Cambridge: Harvard Univ. Press.

Karraker, Cyrus H. The seventeenth century sheriff. Chapel Hill (N. C.): Univ. of N. C. Press.

Moore, Charles, Washington, past and present. N. Y.: Century Co.

Stahl, Charles J. Electric street lighting. Pp. 228. N. Y.: John Wiley.

Walker, Harvey. Federal limitations upon municipal ordinance making. Pp. 208. Columbus: Ohio State Univ. Press.

Weinbaum, Martin. Verfassungsgeschichte Londons. Stuttgart: W. Kohlhammer.

Whyte, W. E. The local government (Scotland) act, 1929. Pp. viii+332. Edinburgh: Wm. Hodge & Co.

Articles

Accounting. Cost accounting for governmental activities. *Gustave A. Moe.* Pub. Management. Oct., 1929.

Administration. Some principles of administrative organization. *Clarence E. Ridley.* The place of science in municipal administration. *Walter Matscheck.* The growth of municipal functions. *Lent D. Upson.* Pub. Management. Sept., Nov., 1929.

Airports. Municipal airport administration. *O. E. Carr.* Pub. Management. Oct., 1929.

American Municipal Development. The development of city government in America. *Samuel C. May.* The scope of municipal government. *Louis Brownlow.* Pub. Management. Aug., Dec., 1929.

———. The future of the great city. *Stuart Chase.* Harper's. Dec., 1929.

Assessment. How Chicago awoke to need for honest assessments. *George O. Fairweather.* The reassessment of real estate in Cook county—a bloodless revolution. *John O. Rees.* Nat. Mun. Rev. Nov., 1929.

Borrowing. Regional variation in municipal borrowing rates. *Earl L. Moser.* Nat. Mun. Rev. Oct., 1929.

British Local Government. The position and functions of committees in local administration. *H. O. Hilary.* Pub. Admin. Oct., 1929.

———. Developments in British local government in 1929. *Arthur Collins.* Pub. Management. Dec., 1929.

Budget. The necessity for a budget. *C. E. Campton.* Minn. Municipalities. Dec., 1929.

Building Department. How the Cincinnati department of buildings conducts its work. *C. M. Stegner.* Am. City. Nov., 1929.

Chicago. Chicago, the phenomenal city. *Robert Morss Lovett.* Current Hist. Nov., 1929.

———. Chicago's persistent traction problem. *Paul H. Douglas.* Thwarting official crime and corruption in Chicago. *Albert R. Brunner.* Nat. Mun. Rev. Nov., 1929.

City Manager. Cleveland retains council-manager charter. *Mayo Fesler.*

Council-manager government in Fort Worth. *Margaret Hall*. Pub. Management. Sept., Nov., 1929.

———. Cleveland again defeats attack on city manager charter. *Mayo Fesler*. Nat. Mun. Rev. Oct., 1929.

City Planning. Botched cities. *Lewis Mumford*. Am. Mercury. Oct., 1929.

———. It pays to plan. *Theodora Kimball Hubbard* and *Henry Vincent Hubbard*. Spaciousness in the city plan—its economic and civic importance. I. II. *Harold S. Buttenheim*. Making and using air-maps for city and regional planning. *Arthur A. Cassell*. Am. City. Oct., Nov., 1929.

———. A survey of city planning and zoning. *Marjorie Dickinson*. Ill. Mun. Rev. Nov., 1929.

County Government. Making the county automobile run. *Howard P. Jones*. Am. City. Oct., 1929.

———. The administration of the county of Molise in the twelfth and thirteenth centuries. Part. I. *Evelyn Jamison*. English Hist Rev. Oct., 1929.

Elections. Les élections municipales. *Raymond Recouly*. Rev. de France. June 1, 1929.

Governmental Principles. Some essentials of effective local government. *Clifford W. Ham*. Pub. Management. July, 1929.

Health. A big city shops for public health: an account of the Syracuse health demonstration. *Hetty Lovejoy Sorden*. Am. City. Oct., 1929.

———. Determining the amount to spend for health activities. *W. F. Walker*. Pub. Management. Nov., 1929.

Home Rule. Das Grundrecht der kommunalen Selbstverwaltung unter besonderer Berücksichtigung des Eingemeindungsrechts. *Fritz Stier-Somlo*. Archiv öffent. Rechts. Aug., 1929.

———. The municipal assembly—New York's home rule legislature. *Russell Forbes*. Wisconsin "unshackles" her cities. *Vincent Lynagh*. Nat. Mun. Rev. Oct., Dec., 1929.

———. Municipal home rule in New York. *Case and Comment Editor*. Yale Law Jour. Nov., 1929.

Housing. Vienna houses its workers. *Henry W. Laidler*. New Repub. Oct. 30, 1929.

———. Curing slums in Holland. *B. S. Townroe*. Contemp. Rev. Nov., 1929.

Illinois. Local government in Rock Island and Moline. *George A. Graham*. Ill. Mun. Rev. Nov., 1929.

Industry. Will that new industry be of real benefit to your city? *Edmund B. Besselièvre*. Am. City. Nov., 1929.

Mayor. The American mayor through Chicago eyes. *Charles Edward Merriam*. Am. City. Oct., 1929.

Merit System. The merit system in Chicago and Cook County. *Edwin O. Griffenhagen*. Nat. Mun. Rev. Nov., 1929.

Metropolitan Area. The Pittsburgh consolidation charter. *Joseph T. Miller*. Simplification of government in metropolitan Chicago. *J. L. Jacobs*. Nat. Mun. Rev. Oct., Nov., 1929.

Municipal Corporation. The city as a municipal corporation. *William B. Munro*. Pub. Management. Sept., 1929.

Municipal Garage. Municipal garage organization and management. *G. M. Huttonlock.* Am. City. Oct., 1929.

New York. Our island universe. *Elmer Davis.* Harper's. Nov., 1929.

Party System. National parties in municipal politics. *O. Garfield Jones.* Nat. Mun. Rev. Oct., 1929.

Philadelphia. Vare's last triumph? *Louis Francis Budenz.* Nation. Oct. 2, 1929.

Pittsburgh. Pittsburgh reflects mayor Kline. *Ralph S. Boots.* Nat. Mun. Rev. Dec., 1929.

Poor Law. The poor law authorities' part in local government. *W. M. Mowat.* Pub. Admin. Oct., 1929.

Public Utilities. Public utility franchises for municipalities in Minnesota. *Frederic B. Garver.* Present and possible future of municipal ownership of electric plants. *Edward W. Morehouse.* Minn. Municipalities. Oct., Nov., 1929.

Purchasing. Aids to better municipal purchasing. *Paul V. Betters.* Am. City. Dec., 1929.

Regional Government. Regional government; or, the next step in public administration. *Edgar Ashby.* Pub. Admin. Oct., 1929.

Registration. Permanent registration for voting in German cities. *Roger H. Wells.* Nat. Mun. Rev. Oct., 1929.

Russian Local Government. Local autonomy in Russian village life under the soviets. *Karl Borders.* Am. Jour. Sociol. Nov., 1929.

———. Municipal government in soviet Russia. I. Before and during the revolution. *Bertram W. Maxwell.* Nat. Mun. Rev. Dec., 1929.

Salvage. The salvage of municipal wastes. *Harrington Place.* Pub. Management. Dec., 1929.

Sanitary District. The sanitary district of Chicago in the supreme court of the United States. *Gardner S. Williams.* Mich. Law Rev. Nov., 1929.

Street Lighting. Through the dark ages of street lighting. *Charles J. Stahl.* Am. City. Nov., 1929.

Swedish Local Government. La politique communale socialiste en Suède. *Richard Lindström.* Avenir Soc. Mar., 1929.

———. Gemeindegewirtschaft und Gemeindepolitik in Schweden. *Erwin Stein.* Zeitschrift für Kommunalwirtschaft. Mar. 25, 1929.

Taxation. Comparative tax rates of 235 cities, 1929. *C. E. Rightor.* Nat. Mun. Rev. Dec., 1929.

Traffic Problem. Abolishing street traffic intersections without grade separation. *Fritz Malcher.* America's first official state code on traffic signals issued by Massachusetts. *Maxwell Halsey.* Am. City. Sept., Oct., Nov., 1929.

———. Freeing the traffic courts for important cases. *Levi M. Hall.* Ill. Mun. Rev. Nov., 1929.

Village Government. Winnetka, the model village. *Mrs. Benjamin F. Langworthy.* Nat. Mun. Rev. Nov., 1929.

Washington. Rebuilding the capital. *J. Frederick Essary.* Sat. Eve. Post. Oct. 19, 1929.

Zoning. Zoning can help the farmer. *George B. Ford.* Nat. Mun. Rev. Dec., 1929.

POLITICAL THEORY AND MISCELLANEOUS

Books

Allen, Devere, ed. *Pacifism in the modern world*. Pp. 296. Garden City: Doubleday, Doran.

Andrews, C. F. *Mahatma Gandhi's ideas*. N. Y.: Macmillan.

Bagnani, G. *Rome and the papacy: an essay on the relations between church and state*. Pp. xv+259. London: Methuen.

Beer, Max. *Social struggles and socialist forerunners*. (Translated by H. J. Stenning.) Pp. 224. N. Y.: Int. Pubs.

Bie, Richard. *Revolution um Karl Marx*. Pp. viii+347. Leipzig: R. Voigtländer.

Brown, Ivor. *English political theory*. Pp. 178. London: Methuen.

Burns, C. Delisle. *Democracy: its defects and advantages*. Pp. 207. London: Allen & Unwin.

Cobban, A. *Edmund Burke and the revolt against the eighteenth century*. London: Allen & Unwin.

Cole, G. D. H. and Margaret. *The development of political literature*. N. Y.: Harcourt, Brace.

Eastwood, E. A., and Keeton, G. W. *The Austinian theories of law and sovereignty*. London: Methuen.

Ercole, Francesco. *Dal comune al principato*. Pp. vii+381. Firenze: Vallecchi.

Flad, Ruth. *Studien zur politischen Begriffsbildung in Deutschland während der preussischen Reform*. Pp. 300. Berlin: Walter de Gruyter.

Göring, Helmut. *Tocqueville und die Demokratie*. Pp. xviii+222. Munich: R. Oldenbourg.

Griziotti, B. *Principii di politica diritto e scienza della finanze*. Pp. 324. Padua: A. Milani.

Hewart, Lord. *The new despotism*. N. Y.: Cosmopolitan Book Corporation.

Homo, Léon. *Roman political institutions*. Pp. xviii+403. London: Kegan Paul.

Kelsen, Hans. *Von Wesen und Wert der Demokratie*. (2. umgearbeitete Aufl.) Pp. vii+119. Berlin: J. C. B. Mohr (Paul Siebeck).

Laidler, Harry W., and Thomas, Norman M., eds. *The socialism of our times*. Pp. 391. N. Y.: Vanguard Press.

Lapidus, I., and Ostrovityanov, K. *An outline of political economy: political economy and soviet economics*. Pp. 557. N. Y.: Int. Pubs.

Leibholz, G. *Das Wesen der Repräsentation unter besonderer Berücksichtigung des Repräsentativsystems*. Pp. 214. Berlin: Walter de Gruyter.

Osborne, C. E. *Christian ideas in political history*. London: John Murray.

Parra-Perez, C. *Bolívar: contribucion al estudio de sus ideas políticas*. Paris: Ed. Excelsior.

Puoi, E. *Come si è risolta la questione romana*. Pp. 200. Rome: L'Osservatore Romano.

Richards, Leyton. *The christian's alternative to war: an examination of christian pacifism*. Pp. 159. N. Y.: Macmillan.

Schneider, Herbert W., and Clough, Shepard B. Making fascists. Pp. 212. Chicago: Univ. of Chicago Press.

Seligman, Edwin R. A., ed. Encyclopedia of the social sciences. Vol. I. N. Y.: Macmillan.

Smith, J. Allen. The growth and decadence of constitutional government. N. Y.: Holt.

Titus, Charles H., and Harding, Victor H. Government and society: a study in conflict. Pp. 250. N. Y.: Crofts.

Articles

Bentham. Bentham: philosopher and reformer. *William H. Alexander.* N. Y. Univ. Law Quar. Rev. Sept., 1929.

Communism. Is communism spreading? *Emile Vandervelde.* For. Affairs. Oct., 1929.

———. Platon et el communisme. *P. C. Solberg et Guy-Charles Cros.* Mercure de France. Nov. 1, 1929.

———. Blanqui and communism. *Edward S. Mason.* Pol. Sci. Quar. Dec., 1929.

Democracy. Le rôle du ministre des finances dans une démocratie. *Gaston Jèze.* Rev. Sci. et Légis. Finan. Jan.-Mar., 1929.

———. Challenges to democracy: the British labor movement and the consumers coöperatives. *Jerome Davis.* Century. Autumn, 1929.

Dictatorship. Die Diktatur und das Problem des grossen Mannes. *André Maurois.* Nord und Süd. Sept., 1929.

———. Diktatur oder Demokratie. *Fritz H. Herrmann.* Der Türmer. Sept., 1929.

Fascism. Dall' idea cattolica all' idea fascista. *Antonio Pagano.* Politica. June-Aug., 1929.

———. Mussolini disciple de Nietzsche. *Raoul de Nolva.* Mercure de France. Oct. 1, 1929.

———. Fascism and the international centre of fascist studies. *J. S. Barnes.* Dublin Rev. Oct., 1929.

———. Un précurseur du fascisme: l'oeuvre littéraire d'Ordenzo Soffici. *Paul Guiton.* Rev. Bleue. Oct. 5, 1929.

———. Mussolini's American empire. *Marcus Duffield.* Harper's. Nov., 1929.

Lenin. Dogma und Dialektik bei Lenin. *Valeriu Marcu.* Neue Rundschau. Aug., 1929.

Liberty. Liberty and law. *Sir J. A. R. Marriott.* Edin. Rev. Oct., 1929.

———. Zur Soziologie der Freiheit. *Ludwig Resch.* Archiv Rechts-u. Wirtschaftsphilosophie. Oct., 1929.

Pacifism. Britain's conscientious objectors. *Hubert W. Peet.* Nation. Nov. 13, 1929.

Parliamentarism. Il problema del parlamentarismo. *Hans Kelsen.* Nuovi Studi di Diritto, Economia e Politica. July-Aug., 1929.

———. La crise du parlementarisme: le remède. *Comte de Fels.* Notre enquête sur la "concentration." *Marcel Lucain et Comte de Fels.* Rev. Paris. Sept. 15, Dec. 1, 1929.

Personal Rights. An English view of personal rights. *Geoffrey Layman*. Harper's. Nov., 1929.

Political Research. Recherches sur la classification des formes politiques. *Louis Delbez*. Rev. Droit Pub. et Sci. Pol. July-Sept., 1929.

———. The study of the ill as a method of research into political personalities. *Harold D. Lasswell*. Am. Pol. Sci. Rev. Nov., 1929.

Politics. La raison et les convictions politiques. *André Moufflet*. Grande Rev. July, 1929.

———. Zwischen Geschichte und Politik. *Theodor Eschenburg*. Nord und Süd. Aug., 1929.

———. Some thoughts upon the nature of politics. *Viscount Knebworth*. English Rev. Sept., 1929.

———. The composition of political attitudes. *Gordon W. Allport*. Am. Jour. Sociol. Sept., 1929.

———. Kunst og Politik. *Tom Kristensen*. Tilskueren. Nov., 1929.

———. The passing of the politicians. *James Murphy*. Forum. Nov., 1929.

Proletariat. Die Umschichtung des Proletariats. *Emil Lederer*. Neue Rundschau. Aug., 1929.

Propaganda. The art of muddlement. *Will Irwin*. Scribner's. Oct., 1929.

Socialism. A propos de la crise doctrinale du socialisme. *Henri Noyelle*. Rev. d'Econ. Pol. Jan.-Feb., 1929.

———. Un nouveau théoricien du socialisme: Henri de Man. *E. James*. Rev. de Métaphysique et Morale. Jan.-Mar., 1929.

———. Le socialisme et le capitalisme expliqués par Bernard Shaw. *Henri Sée*. Grande Rev. Aug., 1929.

———. Wie wird der Sozialismus verwirklicht? *Paul Kampffmeyer*. Sozialistische Monatshefte. Sept., 1929.

———. Socialism. II. *Stewart L. Murray*. Nine. Cent. Sept., 1929.

———. De l'origine des mots: socialisme, communisme, collectivisme. *Alexandre Renard*. Rev. Mondiale. Sept. 1, 1929.

State Functions. Zur Erreichung sozialer Ausgeglichenheit des Staates. *Oskar Aust*. Archiv Rechts-u. Wirtschaftsphilosophie. Oct., 1929.

———. The child and the state. *John Cooke*. Quar. Rev. Oct., 1929.

Syndicalism. Il sindacalismo e la realtà economica. *Maffeo Pantaleoni*. Politica. June-Aug., 1929.

Teaching of Government. Government and teacher training. *H. Arnold Bennett*. School and Society. Oct. 26, 1929.

———. An experiment in by-product teaching. *James T. Young*. Am. Pol. Sci. Rev. Nov., 1929.

Utopia. More's "Utopia." *W. E. Campbell*. Dublin Rev. Oct., 1929.

War Profiteer. Un grand profiteur de guerre: Ouvrard. I. II. III. *A. Arthur-Lévy*. Rev. Paris. Aug. 1, 15, Sept. 1, 1929.

Zionism. Zionism and the peace of the world. *Ameen Rihani*. The rights to a Jewish home land. *Bernard Flexner*. Nation. Oct. 2, 1929.

———. The passing of political zionism: I. Business leaders supplant national idealists. *William Zukerman*. II. Aims of American leadership in Palestine. *Bernard G. Richards*. Current Hist. Dec., 1929.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Civil Service Commission. Brief history of United States civil service. Washington: Govt. Ptg. Off., 1929. 27 p.

Commerce department, Census bureau. Official register of United States, 1929, containing list of persons occupying administrative and supervisory positions in each executive and judicial department of the government, including District of Columbia. Washington: Govt. Ptg. Off., 1929. 179 p.

Congress. Senate. Senate manual, containing standing rules and orders of Senate, Constitution of United States, Declaration of Independence, Articles of Confederation, Ordinance of 1787, Jefferson's manual, etc. . . . Washington: Govt. Ptg. Off., 1929. 726 p.

———. *Indian affairs committee.* Indian affairs, laws and treaties, v. 4, Laws to March 4, 1927 (with treaties, etc.) Washington: Govt. Ptg. Off., 1929. 1406 p.

———. *Judiciary committee.* Lobbying and lobbyists, preliminary report from subcommittee pursuant to S. res. 20 . . . Washington: Govt. Ptg. Off., 1929. 5 p.

———. *House of Representatives.* Naturalization laws; comp. by Elmer A. Lewis . . . Washington: Govt. Ptg. Off., 1929. 22 p.

Interior department. Pension bureau. Handbook containing abstracts of decisions and opinions and rules of procedure relating to retirement acts of May 22, 1920, and July 3, 1926, and amendments thereof . . . Washington: Govt. Ptg. Off., 1929. 184 p.

Labor department. Naturalization bureau. Supreme court, no. 484, Oct. term. United States v. Rosika Schwimmer . . . (opinion of court.) Washington: Govt. Ptg. Off., 1929. 7 p.

———. *Women's bureau.* History of labor legislation for women in three states (Massachusetts, New York, and California), by Clara M. Beyer, and chronological development of labor legislation for women in United States, by Florence P. Smith . . . Washington: Govt. Ptg. Off., 1929. 288 p. (Bulletin 66).

Library of Congress. Catalog division. List of American doctoral dissertations printed in 1927; prepared by Mary Wilson MacNair. Washington: Govt. Ptg. Off., 1929. 266 p. (Contains supplementary lists of theses printed in 1918, 1920, 1921, 1922, 1923, 1924, 1925, and 1926.)

———. *Legislative reference service.* Tariff preference in Great Britain and British possessions: Imperial tariff preference . . . Washington: Govt. Ptg. Off., 1929. 42 p.

Manuscripts division. Journals of Continental Congress. 1774-89. Edited from original records in Library of Congress by Gaillard Hunt. v. 26-27. Washington: Govt. Ptg. Off., 1928.

Pan American Union. Guatemalan historical bibliography, by Antonio Batres Jaureguil. Washington: Govt. Ptg. Off., 1929. 10 p.

Personnel classification board. Extract from report of wage and personnel survey.

Field Survey division. Personnel classification board: British civil service personnel administration; by Morris B. Lambie. Washington: Govt. Ptg. Off., 1929. 403-469 p.

State department. Commission of inquiry and conciliation. Bolivia and Paraguay. Report of chairman. Sept. 21, 1929. Washington: Govt. Ptg. Off., 1929. 63 p.

———. American foreign service. Washington: Govt. Ptg. Off., 1929. 60 p.

———. Foreign service of United States, diplomatic and consular, July 1, 1929. Washington: Govt. Ptg. Off., 1929. 96 p.

Tariff commission. Tariff in certain foreign countries, letter transmitting material prepared by Tariff commission showing tariff increases in foreign countries, method of valuation for ad valorem duties, and duties levied in foreign countries on agricultural commodities from United States. Washington: Govt. Ptg. Off., 1929. 50 p.

Virgin Islands. Governor. Organization and rules and regulations, government departments and activities . . . St. Thomas. V. I., 1928. 132 p.

STATE AND TERRITORIAL

ALABAMA

Tax commission. Compilation of revenue laws of Alabama affecting the assessment and collection of ad valorem license and other taxes, 1929. Montgomery, 1929. 398 p.

ARIZONA

Secretary of state. Initiative and referendum publicity pamphlet, 1928, containing a copy of the proposed amendments to the constitution . . . referendum . . . initiative measures . . . regular general election . . . Phoenix, 1928. 37 p.

CALIFORNIA

Legislature, Joint committee on water problems. Report of the joint committee of the senate and assembly dealing with the water problems of the state, submitted to the legislature of the state of California . . . Sacramento, 1929. 206 p.

University of California, Berkeley. Aboriginal society in Southern California, by William Duncan Strong. Berkeley, 1929. 358 p. (American archæology and ethnology, v. 26.)

COLORADO

Governor. Inaugural address of Governor William H. Adams . . . 1929. Denver, 1929. 7 p.

DELAWARE

Public archives commission. Corrections and addenda to the printed volumes published by the state of Delaware, 1886, under the title "Minutes of the council of the Delaware state from 1776 to 1792." The omissions discovered in the printed volume of 1886 led to the issuing of the pamphlet as a supplement thereto. Henry Conrad, state archivist . . . Dover, 1928. 8 p.

———. *Proceedings of the Convention of the Delaware state held at New-Castle on Tuesday the twenty-seventh of August, 1776.* Dover, 1927. 43 p.

FLORIDA

Governor. Message of Governor Doyle E. Carlton to the twenty-second legislature of the state of Florida 1929. Tallahassee, 1929. 23 p.

ILLINOIS

General assembly. Fifty-sixth. Digest of laws enacted January 9, 1929, to June 20, 1929 Springfield, 1929. 151 p.

———. *Joint legislative revenue committee.* Report . . . by authority of an act of the fifty-sixth General assembly, March, 1929. Springfield, 1929. 135 p.

———. *University of Illinois. Urbana.* Guizot in the early years of the Orleanist monarchy, by Elizabeth Parnham Brush. Urbana, 1929. 236 p. (*University of Illinois studies in the social sciences.* v. 15. no. 2. Dated June, 1927.)

INDIANA

University of Indiana, Bloomington. School of education. Bureau of coöperative research. An analysis of the attitudes of American educators and others toward a program of education for world friendship and understanding, by Henry Lester Smith and Leo Martin Chamberlain. Bloomington, 1929. 109 p.

IOWA

Historical society. The bicameral system in practice, by Dorothy Schaffter. Iowa City, 1929. 110 p. (Ph.D. thesis, 1928.)

The city manager plan in Iowa, by John M. Pfiffner. Iowa City, 1929. 152 p.

KANSAS

University of Kansas, Lawrence. Bureau of business research. Tax exemption as means of encouragement to industry, by Jens P. Jensen. Lawrence, 1929. 60 p.

———. The guaranty of state deposits, by John G. Blocker. Lawrence, 1929. 58 p.

MICHIGAN

Historical commission. Documents relating to Detroit and vicinity, 1805-1813. Lansing, 1929. 754 p. (Michigan historical collections, XL.)

MINNESOTA

Board of Commissioners on uniform state laws. Report . . . St. Paul, 1929. 47 p.

NEW YORK

Governor. Message . . . relating to the form of the constitutional budget. Albany, 1929. 5 leaves (mim).

State department. Local laws of the cities in the state of New York enacted during the year 1928 . . . Albany, 1929. 180 p.

University of the State of New York. Duties of trustees of common school districts. Albany, 1929. 17 p. (Law pamphlet 4.)

OREGON

Tax commission. Laws relating to assessment and taxation. 1929. Salem, 1929. 141 p.

RHODE ISLAND

Secretary of state. Manual, with rules and orders for the use of the general assembly of the state of Rhode Island, 1929-1930 . . . Providence, 1929. 464 p.

TEXAS

Legislature. Legislative manual. Forty-first Legislature . . . Austin, 1929. 352 p.

VIRGINIA

Constitution of Virginia as amended June 19, 1928. Richmond, 1929. 118 p.
Judicial council. Minutes of a meeting of the judicial council in Virginia, December 5, 1928. Richmond, 1929. 27 p.

WASHINGTON

University of Washington, Seattle. The political thought of Roger Williams, by James E. Ernst. Seattle, 1929. 229 p. (Univ. of Washington publications in language and literature. v. 6, no. 1.)

WISCONSIN

Civil service commission. Salary schedules for the types of employment in the state civil service of the state of Wisconsin . . . Madison, 1928. 29 p. (mim.)

Dept. of markets. Legal phases of agricultural marketing and agricultural coöperation. A selected bibliography by Lois Zwinggi. Madison. 1929. 20 p.

University of Wisconsin, Madison. Municipal reference bureau. Salaries of city officials in Wisconsin, 1929, by Lorna L. Lewis. Madison, 1929. 17 leaves. (mim.)

———. Salaries of village officials in Wisconsin, 1929., by Lorna L. Lewis. Madison, 1929. 171 leaves (mim).

FOREIGN

BERMUDA ISLANDS

Delegation to the West Indies conference. Report . . . Bermuda, 1929. 13 p.

BOLIVIA

Conferencias de plenipotenciarios Bolivianos y Paraguayos, Buenos Aires, 1927-1928 . . . Actas y documentos de las Conferencias . . . La Paz. Escuela tip. Salesiana. 1929. 213 p.

———. *Ministerio de relaciones exteriores y culto.* Documentos relativos a la agresión del Paraguay contra el fortín boliviano Vanguardia. La Paz. La renacimiento, 1929. 129 p.

———. Notas y el memorandum de Bolivia contra el tratado de arbitraje argentino-paraguayo de 1876. La Paz, Escuela tip. Salesiana, 1929. 64 p.

CHINA

Ministry of foreign affairs. Documents with reference to the Sino-Russian dispute, 1929. Nanking, Far Eastern information bureau, 1929. 66 p.

———. Sino-foreign treaties of 1928. Peking, 1929. 52 p.

COLOMBIA

Codificación delas leyes y disposiciones ejecutivas sobre extranjeros. Bogotá, Imp. Mac., 1929.

CUBA

Oficina panamericana. Catálogo de obras de derecho internacional e historia de América que el gobierno cubano pone a disposición, para consulta, de las Señores delegadas a la 6a conferencia internacional Americana. Habana, 1928. 429 p.

DOMINICAN REPUBLIC

Tratado de paz, amistad y arbitraje entre la República Dominicana y la república de Haiti . . . Santo Domingo, 1929. 11p.

———. Tratado fronterizo Dominico-Haitiano . . . Santo Domingo, 1929. 23 p.

GERMANY

Bremen—Statistisches landesamt. Bremen, 1900-1927. Bildliche darstellung des standes und der entwicklung der bevölkerung des wirtschaftlebens und der staatliche verwaltung seit anfang des jahrhunderts. Bremen, 1929. 95 p.

GREAT BRITAIN

Foreign office. British documents on the origins of the war, 1898-1914. Ed. by G. P. Gooch . . . and Harold Temperley . . . London . . . 1929 v 4: The Anglo-Russian rapprochement. 1903-7. 656 p.

India office. East India. Report of the Indian states committee, 1928-1929. London: H. M. S. O., 1929. 74 p. Cmd. 3302.

———. *Royal colonial institute, Library.* A select list of recent publications contained in the Library of the R. C. I., illustrating the constitutional relations between the various parts of the British Empire. Comp. by Evans Lewin. London: R. C. I., 1926. 30 p.

GUATEMALA

Comisión de límites. The boundary dispute between Guatemala and Honduras; sovereignty of Guatemala in the valley of "Rio Motagua" up to the summit of Cordillera "De Merendon," Guatemala, 1929. 40 p.

HAITI

Discourse prononcé par Mr. Emanuel Destin, du Conseil d'état, dans la seance de cette assemblée, le 12 juin 1929 . . . Port au Prince, 1929. 21 p.

HOLY SEE

Inter sanctamsedem et Italiae regnum conventiones initae die 11 Februarii 1929. Rome Typis polyglottis Vaticanis, 1929. 209-295 p. (in Italian.)

LATVIA

Ministère des affaires étrangères. Recueil des principaux traités conclus par la Lettonie avec les pays étrangers, 1918-1928 . . . Riga, 1928. (Text in original language and French.)

MEXICO

Ministerio de relaciones exteriores. Archivo de Indias. Indice de documentos de nueva España existentes en el archivo de Indias de Sevilla. Tomo II. Mexico, 1929. 451 p.

———. Conferencia internacional Americana de conciliación y arbitraje. Informe de las delegados de Mexico . . . 1929. 66 p.

PANAMA

Secretaría de relaciones exteriores. Relacion de los tratados. Convenciones, y convenios vigentes, suscritos por la Republica de Panamá, de Noviembre 1903 á Febrero 1929. Panamá, Imp. Mac., 1929. 58 p.

PARAGUAY

Ministerio de relaciones exteriores. . . . Libro blanco, documentos relativos a las conferencias de Buenos Aires sobre la cuestión de límites paraguayo-boliviano y algunos antecedentes 1927-1928. Asunción, Imp. Nac. 1928. 219 p.

PORTUGAL

Ministério dos negócios estrangeiros . . . Plaidories du délégué du gouvernement de la République portugaise. Audiences du Tribunal arbitral, à Lausanne . . . pour le jugement du différend portugais-allemand . . . Lisboa, Imp. Nac., 1928. 142 p.

INTERNATIONAL

LEAGUE OF NATIONS

Amendment of the covenant of the League of nations as a result of the general adhesion of the members of the League to the pact of Paris for the renunciation of war. Extracts from the records of the tenth ordinary session of the assembly. Geneva, Oct. 15, 1929. 23 p. 1929. v. 17.

———. Conference for the Codification of international law. Draft rules of procedure. Geneva, 1929. 4 double pages (Fr. & Eng.) 1929. v. 7.

———. Constitution of 'Iraq (organic law). Geneva, 1929. 1929. VI. A1.

———. Collection of international agreements and internal legal provision for the prevention of double taxation and fiscal evasion. . . . Brussels, 1928. 278 p.

———. Question of the adherence of the United States of America to the protocol of signature of the statute of the permanent court of international justice. Report of the first committee to the Assembly. Geneva, 1929. 4 double pages, English and French text.

———. Report of the work of the League since the last session of the Assembly. Geneva, 1929. 129 p. Supplementary report, Aug. 1, 1929. 51 p.

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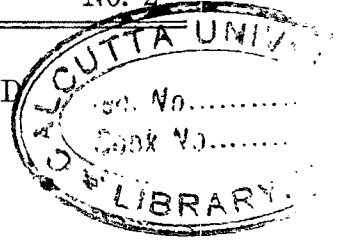
MAY, 1930

No. 2

DEMOCRATIC REALITIES AND DEMOCRATIC DOGMA

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I

Not long ago, a distinguished political scientist called attention to "the law of the pendulum" in politics. No sooner, he argued, does a broad political tendency establish itself than tendencies of opposite direction set in and gather force until the original tendency is reversed. As applied to relatively short periods of time and to movements which reflect temporary trends, a plausible case can be made out for the law of the pendulum. It seems doubtful, however, whether it can be proved with like plausibility for tendencies which are truly secular. Take as an example the steady trend toward enlarging the size of the independent political unit, or state. Since the feudal age, the tendency has run in the same direction, sometimes more slowly and sometimes more rapidly, but with seldom a check, and never a retreat, from the feudal state to the national state, from the national state to the colonial empire, and in recent years from the colonial empire toward some larger goal of world organization. Barring accidental destruction of modern machine civilization, a recurrence to a world of petty states seems unthinkable.

Whether or not the law of the pendulum applies in the world of political events, there can be no doubt of its sway over political thought. No sooner does a doctrine embody itself in an

institution than it exposes its nakedness in a pillory and challenges competing dogmas to do their worst. In consequence, the history of political ideas has been a story of oscillations, of attack and repulse and counter-attack. The dominant thought of one era exerts itself to achieve a political result; in the next, the shortcomings of the achievement invite audacious thinkers to insult an enthroned idol by unfavorable comparisons with old gods which it has displaced. If events were perfectly responsive to ideas, the law of the pendulum in the field of thought would doubtless reproduce its influence violently and catastrophically in the world of fact. But facts are resistant; so that, apart from temporary vacillations within broad currents of change, the oscillations of theory are mainly effective in slowing down political trends, checking them by comparison with their opposites, and thus preventing new advances from losing touch with values embodied in the past. Theories have a way of tending toward absolutes; the dominant absolute which would hurry forward development too far or too fast induces a competing absolute which supplies the saving abrasive sand of criticism.

We should have reservations such as these in mind when we seek to assess the supposed trend in recent years away from democracy. In the field of thought, as we might expect, there has been undeniable reaction from the democratic dogma. Beginning as early as Carlyle, and certainly with Nietzsche, the chorus of anti-democratic opinion has risen, or descended, as one chooses to regard it, through writers like Maine, Lecky, Faguet, Henry Adams, and Spengler, to the authors of such incisive recent books as William Kay Wallace's *Passing of Politics*. Opinion has a way of keeping its courage up by faith that the facts are fighting on its side, and hopefully scans the horizon for evidence to support that faith. Such evidence, or what can be cited for it, has come in abundance in the aftermath of the war. The war which was supposed to make the world safe for democracy has perversely resulted, we are told, in a general retreat along the democratic front. Personal

dictatorships have sprung up in Italy, Spain, Poland, Turkey, Hungary, and Yugoslavia with a simultaneousness which suggests some single all-embracing cause. Meanwhile government by the parliamentary methods of democracy is elsewhere breeding discontent as being unequal to the complex demands of the modern world. Signs and portents are observed in each successive French cabinet crisis of an impending surrender by France to the rule of a strong man. What is such evidence worth toward proving recession of the democratic trend? Do the facts indicate that dictatorship is on the way to supplant democracy?

Fairly assessed, they can scarcely be held to do so. With the exception of Italy and Spain, all the new dictatorships have risen on the ruins of old states shaken down by the war, states which by no stretch of imagination could be called democratic. To expect that Turkey, Poland, Russia, or the succession states of Austria should suddenly by the miracle of war develop orderly and efficient popular governments is the result of the same sophomoric optimism which at the close of our own Civil War expected good government from the liberated negro majorities in the reconstructed South, and which still attributes misrule in Caribbean countries to the malice of dictators. The cases of Italy and Spain are not greatly different. There is sound reason for suspecting that even before the war democracy in Spain or Italy was not the rooted and established and functioning thing that it is in France or England. France herself had to grow up to democracy through at least two interludes of personal absolutism, and Italy when she succumbed to Mussolini was no farther away from the old régime of Hapsburg and Bourbon than France when she enthroned Napoleon III. It is therefore too early to say that Italy or Spain has abandoned democracy. Quite as likely, both are only undergoing temporary relapse in their progress along the difficult road toward it.

Meanwhile there are some tremendous items which have to be set down on the credit side of democracy's account. The

new popular government of Czechoslovakia has proved capable of weathering the most exacting and delicate of all crises, a crisis between church and state in a country where religious allegiance is divided, and where religious feeling runs consequently to high levels of bitterness. The transformation of autocratic Germany into a stable republic under the presidency of von Hindenburg is one of the spectacular miracles in the long story of the democratic advance. Nor should we minimize the success of established popular governments like those of France and England in finding working solutions for the most pressing of the extremely novel and complex issues growing out of the war. Whatever judgment we may pass on the right or wrong, the wisdom or unwisdom, of any particular policy of the French or British or American government in liquidating the war, we must in fairness admit that solutions have been reached and reached peaceably, that they have been peaceably acquiesced in, that order has been kept and the normal functions of government have gone on, under circumstances which might easily have led to bankruptcy and anarchy. There is no ground but blind faith for supposing that personal absolutism could have done better; history and Mussolini suggest that the tightening up of internal discipline might have been bought at the price of increased international tension.

On the whole, then, what recent years have shown is not that democracy has failed, not that it is on the way to being supplanted by some other and more disciplined type of government, but that it has succeeded reasonably where it has long been working; and that in countries to which it has been freshly transplanted, it has succeeded in some and failed to take root in others. In other words, what the great experiment performing itself in the world laboratory of politics seems to suggest is that the success or failure of democracy is a relative thing, dependent on what is expected of it, on the tools put at its disposal, and on the circumstances and environment in which it is asked to do its work.

If the facts thus lend small comfort to theorists who are con-

ducting a frontal onslaught on democracy, they give food for
• thought to all who have held the democratic dogma in some of its more sweeping forms. Believers in democracy have too often assumed that it is a universal kind of government for all times and places; that it needs only to be established in order to justify itself; that it is something to which every people have a "right," irrespective of their equipment for it or the uses they make of it. Furthermore, there is generally an assumption that democracy means some special model of governmental mechanism—"parliamentary" government, for example, or direct legislation by initiative and referendum, or government by a multiplicity of directly elected officials as in the American states. This assumption seems even more widely held by foes than by friends of democratic government, with the result that most criticisms of democracy come down in the last analysis to discontent with some special model of democratic institutions. By a kind of misplaced metonymy, the part is taken for the whole.

If a sufficiently broad conception of democracy could be agreed on, it might well turn out that those accepting democracy in such a sense could admit all or most of what the critics have to say, and remain good democrats still. Indeed, in so far as the severest criticisms of democracy are directed to specific institutional defects which can be corrected, the critics are performing a service which should be welcomed by all who feel that no acceptable substitute for democracy has been suggested, or is possible, in advanced political societies. Perhaps the chief contribution to political progress in the years since the war has been to emphasize the need for a reassessment of what political democracy means.

II

It seems not too much to say that the greatest present foe of democracy, the thing which most stands in the way of its success and effectiveness, is the democratic dogma, or stereotype, as it has hardened in the minds of everyday men and practical

political leaders accustomed to take their opinions without analysis from the air about them. Like all stereotypes, it is composed of elements which came originally into existence in response to some practical problem, but which for convenience of transmission have packed and smoothed themselves into formulas too brief to carry necessary qualifying limitations, and which therefore invite combination into logical patterns more and more remote from reality. A system of democratic theology has grown up; and the temptation to take it seriously and apply it literally can be held responsible for many, if not most, of the things which bring democracy into disrepute.

The first and broadest tenet of this theology is that in a democracy "the people rule." This is explained by saying that while in many matters of government it is obvious that the "people" cannot act directly, they choose by election the officials who are to act in their place and name, and by this process preserve such direct and immediate control over government that its actions are guided by the popular will, or as it is now more fashionable to say, by "public opinion." The keystone of this doctrine is the assumption that there exists in every political society a "will of the people" which declares itself at elections and operates through the instrumentality of elected officials; and it is thought to be the object of democracy to see that this "popular will" gets itself translated into governmental action, and that governmental action is determined by nothing else. The whole theory and strategy of the democratic movement is generally directed toward this single objective; by it is tested the worth of governmental mechanisms, to the almost complete exclusion of other standards of good government. One of the principal grounds of attack on democratic institutions is that they do not achieve this aim—that instead of ensuring that governmental action shall be guided solely by the popular will, they permit it to take its direction from the will of small groups or special interests.

Most advocates of democratic government admit the justice of such charges and busy themselves with promoting institu-

tional readjustments to prevent government from responding to any other force than the will of the people. Hence, for example, the movement a few years ago in the American states for direct legislation by initiative and referendum; hence direct primaries for nominating candidates for office; hence the "recall" of officials, and schemes for proportional representation. The cure for the ills of democracy is thought to be more democracy, in the sense of increasing the number of points at which the electorate can bring its "will" to bear on the organs of government. But even after the adoption of such reforms, there is an aspect of the result which disquiets the reformers. Increase in the number of opportunities for the manifestation of the popular will means increase in the number of elections; and increase in the number of elections has been found to mean a steady decline in the proportion of the electorate taking part in the voting. Can an election in which only a minority participate be said to express the "popular will"? Does not government guided by the results of such an election represent government by a minority group rather than by "the will of the people"? There seems to be an uneasy feeling that it does, and that there is therefore something wrong about it; hence frantic campaigns to "get out the vote," and even occasional proposals for compulsory voting.

Probably most believers in democracy would be ready to admit that some of the devices for securing larger opportunity for the popular will to influence governmental action have been purchased at the cost of very real inconveniences and sacrifices from the standpoint of competent government. And, in the end, the question remains whether the sacrifices have been worth what they cost—whether they have in fact rendered government more responsive to the will of the people as distinguished from the will of some special group. In most instances they seem only to have stimulated or brought into existence some new type of group control. Thus the multiplicity of elections to minor offices is more than anything else responsible for those compact political "machines" which have permanently

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appropriated the management of many local governments in this country. Direct legislation by initiative and referendum and the direct primary have enormously enhanced the importance and power of organized propagandist agencies. All in all, it seems paradoxically true that the more efforts are made to elicit and give effect to the will of the people, the more power is placed in the hands of special groups and interests.

The reason for this paradox lies at the heart not only of the problem of democracy but of the whole wider problem of government. Significant light was shed on it in some recent remarks of Judge Learned Hand before the American Law Institute. Judge Hand was speaking of the traditional theory that law is the product of a common, or popular, will. "To me," he said, "this doctrine seems to ignore the facts. . . . Until something is so irritating as to tease men into action, they go along with what is usual, not consciously accepting it, having no opinion and therefore no will about it. . . . For many ages men lived without being able to change the traditional codes which regulated their lives. . . . In civilized times we have acquired that power; we set up officials who innovate, and when they do, we call it our common will at work. . . . Sometimes we speak of the judges as representing a common will, but they are not charged with power to decide the major conflicts. We think of the legislature as the place for resolving these, and so indeed it is. But if we go further and insist that there at any rate we have an expression of a common will, we should be wrong again. I will not, of course, deny that there are statutes of which we can say that they carry something like the assent of a majority. But most legislation is not of that kind; it represents the insistence of a compact and formidable minority. Nor are we to complain of that, for while we may be right to say that the problem of democracy lies in minorities, we are not to suppose that the bulk of government can go on on any other terms. . . . So far as we can forecast the future, it is more likely to see an increase in minority rule. The truth appears to be that what we mean by common will is that there shall be an available peaceful way

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by which law may be changed when it becomes irksome to enough powerful people who can make their will effective. We may say if we like that meanwhile everybody has consented, but this is a fiction. They have not; they are merely too inert or too weak to do anything about it."¹

The central insight which emerges from this discussion of law applies to the whole field of government. It is the insight that, after all, the larger number of members of any political society have no opinion, and hence no will, on nearly all the matters on which government acts. The only opinion, the only will, which exists is the opinion, the will, of special groups.

It would therefore seem that the democratic movement, in concentrating on the realization of a supposed popular will, is offering vain oblations to a metaphysical specter. "Realization of the popular will" is a formula which by methods of easy logic may be proved to dictate any number of hopeful panaceas; but none of them gives satisfaction, because the goal itself is illusive. If the time should come when this illusion was dispelled, the result might well be a general breakdown of faith in the whole idea of democratic government. Such a result would be a signal illustration of the mischievous power of ideology in diverting attention from the real and substantial issues of what is a practical and not a metaphysical problem. The task of government, and hence of democracy as a form of government, is not to express an imaginary popular will, but to effect adjustments among the various special wills and purposes which at any given time are pressing for realization.

III

Almost the whole range of political problems are problems of what may be called adjustment—of devising ways and means to curb particular "wills" or "interests," and thus clear the track for the realization of other wills and interests in fuller measure. This is the task of governmental decisions ranging in importance from where to locate a new street or sewage-

¹ 28 *Michigan Law Rev.* 46-50.

disposal plant to whether or not to go to war. Government, from this point of view, is primarily an arbitrator, and since practically every arbitration must result in giving to one side more of what it thinks it ought to have than the other side is willing to admit, every governmental act can be viewed as favoring in some degree some particular and partial "will," or special interest. It is therefore meaningless to criticize government, whether democratic or not, merely because it allows special interests to attain some measure of what they think themselves entitled to. The question is rather whether it allows the "right" side, the "right" special interest, to win; and the "right" special interest means only the one whose will is most compatible with what we, as critics, conceive to be the right direction for the society's development to take.

The skill and sanity which government displays in picking the special interest which, in any particular case, it will allow to win depends largely on what kind of government it is—on the organs through which it works, and on their relation to one another and to the community. The simplest and almost the oldest type of government commits the power of making decisions to a single supposedly impartial individual, a monarch, subject to no constitutional restraints and free to make his choices on the advice of such councillors and on the basis of such considerations as he is personally inclined to take account of.

The effectiveness of "absolute" government of this kind as a permanent form of government is limited to relatively simple or loosely integrated societies, or to societies whose internal structure of customs, ideas, social classes, is rigid and stable. Where a society in its normal condition embraces a wide variety of competing interests of approximately equal strength, which are pressing restlessly and aggressively against one another, it is next to impossible for an absolute ruler, unless in possession of overwhelming military force, to avoid causing dissatisfaction among so many elements as to destroy his authority. In such a society, if military force is in-

compatible with the economic processes in which the life of the society consists, and if there exists on the part of the various elements a solid conviction that they must go on living together, a type of government is required through which the conflict of interests can result in compromises, and in compromises, furthermore, whose necessity is brought directly home to the warring interests themselves in a way not possible where responsibility for every unfavorable decision can be shouldered on the ruler and undermine the confidence on which his authority rests. There thus emerges the advantage of government containing what we may call the democratic element—of government, that is, whereby the conflicting interests in a community will themselves be made to bear some part of the responsibility for reaching through political action the adjustments by which they are expected to abide.

This may be something quite different from pure democracy, or government by mass-meeting, which is almost as archaic a governmental type as pure monarchy. Under pure democracy there is merely substituted for the individual ruler a mass-meeting of the entire citizen-body as the supposedly impartial third-party to decide disputes. On some questions, opinion in such a mass-meeting may be unanimous, so that its decision will give practically universal satisfaction. A second type of questions consists of relatively unimportant disputes about which practically no member of the assembly has or can have any opinion until he has heard the case presented and the arguments advanced for the respective sides. In such instances the verdict of a majority may be acquiesced in for substantially the reasons for which a jury verdict is today accepted in rural communities. In a third class of questions, there may be a considerable group in the meeting committed from the outset to the opposing sides, but also an impartial element ready and willing as in the second case to be persuaded by argument, and to divide its support as its several members feel themselves convinced one way or the other. Finally, on certain questions the entire membership may be divided at the outset into two

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camp, one firmly committed to one side of the question and the other to the opposite. In a primitive democracy an issue of the latter character is almost certain to lead to civil war.

Inside the limits within which it is possible in a modern state to submit the decision of political measures directly to the electorate, almost all cases are likely to fall within the third or fourth of these categories. Complete unanimity is never attainable, nor is a question important enough to be submitted until substantial portions of the electorate are already committed to the opposing sides. Either, then, there will be an impartial residue of voters in whose hands the decision will rest after hearing argument, or the outcome will depend on merely counting the noses of partisans substantially committed before the launching of the campaign.

Granting that a considerable portion of a widely diffused electorate may be impartial, it remains impossible to present to them the merits of a complicated political measure in the same way in which a relatively simple issue can be presented to a mass-meeting or a jury. Some members cannot be reached, and others refuse to take any interest or action in the whole affair. On a large number of questions, few will share in the voting except those who from the outset have been pronounced partisans. Where a question is thus decided exclusively or mainly by votes not open to argument, there is danger that the decision may not be treated with great respect by the defeated side. The process of decision amounts, or at least appears to amount, to a mere matching of opposites without opportunity for that give and take and mutual adjustment of claims which an independent arbitrator would bring about. There is room for the criticism that a decision so arrived at does not include the all-important element of impartiality; and there is the added likelihood that the decision will be reached on a basis of ignorance and prejudice by persons incapable of estimating what the results of their action will be.

In practice, it is, of course, not these considerations which prevent the larger number of governmental acts from being

- submitted to direct popular vote in even the most advanced modern democracies. The sufficient practical reason is the sheer impossibility of calling on the electorate to give attention to any but a very few governmental decisions. Not merely the routine of government, therefore, but most decisions on important questions of policy necessarily have to be made by officials, and by officials who, while they may be elected by the people, are still "independent" in the sense that they must make choices of their own without being able to rely at every step for rule and guidance on specific orders formulated by the electorate. The interposition of such a body of governing officials between the "people" and the mass of political decisions offers a means of correction for some of the defects of direct decision by the electorate.

IV

Government by elected representatives ordinarily affords opportunity for practically every interest of importance in the community to find somewhere in the representative assembly a spokesman to voice its claims. It is possible for these representatives to meet and work under circumstances making for the mutual understanding of different points of view and for the attainment of compromises designed to provide for the future of all interests in the community important enough to take account of. Conflicting interests, instead of standing apart and testing their numerical strength at the polls, are supplied with means for coming into contact, consultation, and adjustment in a way that can conceivably allow something to each. Each may have some share in moulding the adjustment and consequently be supplied with a motive for abiding by it. Every representative is a potential mediator for the interest which has the strongest control over him in the face of other interests; and in this way opportunity is given for bringing interests into touch and convincing each of the advantage of accommodating itself to the others with which it has to live. These are the substantial merits of representative democracy

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—these, and not the realization of a supposed “popular” will.

The extent to which any particular representative government realizes the full possibilities of the system depends on its form of organization and on the state of affairs in the society in which it works. So far, for example, as its design is merely to reproduce as closely as possible the results which might be expected from direct democracy, it will reproduce the political defects of the latter. Thus, for example, an organization of the representative assembly which results in the firm and permanent attachment of each representative to some single interest or group is bound to make him relatively ineffective as an organ of conciliation with other interests. At the peril of his own position, he must insist to the limit on the claims of the interest which owns him; he is not at liberty to use his more intimate acquaintance with other interests to devise compromises, since if he does so he runs the risk of being repudiated by his own people. A representative assembly organized on this principle inevitably becomes factionalized, as has been the case, for example, with our American Congress; the pressure of interests outside is simply reproduced within, and no substantial facilities for mutual accommodation are added. In consequence, the clash of interests, instead of leading to understanding, prolongs itself with a futility which disgusts observers who would like to see issues brought to settlement; while such decisions as are arrived at are frequently due only to the outside driving power of lobbyists, and result from a mere matching of numbers which breeds no confidence in their justice or wisdom.

An important factor making for the effectiveness of representative government is that within such a group as a representative assembly it is possible to develop a central organ to aid in making adjustments between the representatives and to take the lead in devising and carrying through programs to harmonize the claims of the different interests represented. Such an organ performs on a higher plane for the assembly the function which the assembly in a broader and less definite

- way performs for the community at large. It supplies leadership, which is the active and authoritative force making for the invention of adjustments and investing them with the quality of commanding respect. This kind of organization has been achieved most completely in so-called "cabinet government" as it has developed in England. The cabinet, after taking account of the temper and disposition of the various parts of the community, accepts the duty of working out a plan of adjustment which consciously undertakes to meet the most outstanding differences between interests in a manner to win at least temporary acceptance by most of them. It is independent enough, and occupies a post of sufficient prestige, to promote adjustments which an ordinary representative, concerned mainly with the narrow affairs of his own constituency, might hesitate or fear to do. At the same time, its proposals are subject to the double check of being rejected by the assembly and repudiated at the polls.

Such an organization of government puts a meaning into the choice of representatives which elections do not always have. It enables the electors to express simple satisfaction or dissatisfaction with a program holding together as a unit, to say whether or not they are content that it shall be carried out, or that an alternative shall be put in its place. This is an altogether different thing from asking them to pass directly on the merits of specific measures, often of a detailed and complicated kind. It is a different thing from asking them, as under our American system, to express approval or disapproval of the conduct of a single representative whose actions are too obscure to attract publicity. It thus succeeds better in holding the interest and attention of the voters, and sets before them a simpler task. Furthermore, the cabinet system eliminates some of the disadvantages of a decision by mere numbers, since it brings the test of numbers into play only for the purpose of passing on decisions which have already been reached as a result of a rather careful process of consultation and adjustment.

It seems clear that cabinet government is not acceptable or adapted to all political societies. It requires for its success conditions not present in every country. This is true of representative government in general. For representative government, no less than for direct democracy, there must be a willingness on the part of conflicting interests to live together on peaceful terms and to make at least such mutual concessions as are needful for that purpose. Where this is not the case—where the cleavage between particular interests is so deep that they stubbornly refuse all concessions—no form of popular government, whether direct or representative, is possible. Such a condition is ordinarily a mark of the political immaturity of the people among whom it exists. It must end either in splitting up the state, as sometimes happens where the differences are geographical, or else in a régime of anarchy which can be suppressed only by military absolutism until the common interest of opposing oppression has welded the different elements into a unity stable enough to live and work together. In these conditions we apparently have the cause of the collapse of representative government in Yugoslavia and Italy.

Elsewhere the cleavage between interests may not be sufficiently deep to destroy the possibility of representative government, and yet be of such a nature as to make the highly unified processes of cabinet government unacceptable. The various interests may be unwilling to put themselves so completely in the hands of a supreme board of adjustment responsible only to the electorate as a whole. This is doubtless true of the United States today. Our strongly-felt interests still divide largely along geographical lines, and local feeling is still so strong among us that it insists on representing itself in a way which paralyzes effective representative government. Theoretically, there is an enormous loss in political efficiency; but in fact the situation does not produce discontent serious enough to lead to action. For effecting a progressive adjustment of many kinds of interests through the medium of politi-

- cal action, our American form of government is thoroughly ill-adapted; the reason, however, is the obvious one that no sufficient demand for such a method of adjustment exists on the part of interests influential enough to insist upon it.

V

Under the influence of democratic dogma, it often goes unrecognized that the most important problems of representative government are the ones we have been considering—problems which have to do with providing leadership so organized as to bring the different elements in a community to adjustments which they will accept as their own. Ordinarily, the emphasis in discussions of representative government is placed on an altogether different point—on the need for ensuring that every interest shall be given formal representation as such, and on schemes for apportioning the representation of each interest to its supposedly just weight. Democratic dogma cuts the Gordian knot of this complex problem with its simple formula of universal suffrage and “one man one vote”—a solution for which finality is claimed on the axiomatic basis of supposed “natural right.” It is easy to see that such a solution is not only crude, but also open to the objection of committing decisions, not as a matter of mere convenience, but on grounds of essential justice, to what may be called “the ordeal of number.” The same weakness is latent in more sophisticated schemes sponsored by critics of democratic dogma for apportioning the representation of interests. All such schemes, regarded as instrumentalities for securing justice rather than as mere working devices, result in absurdities when tested by any standard of justice other than the special assumption on which they happen to be founded. Thus it is no doubt true that if representatives are elected at large throughout the entire electorate by simple majority vote, the result is to leave without partisan representation a minority which may be as great as forty-nine per cent of those taking part in the election. On the other hand, if elections are held by districts, exactly the

same result may follow if the minority happens to be evenly distributed throughout all the districts. In order to avoid such outcomes, proportional representation is proposed. But proportional representation assumes an arbitrary distribution of the various interests in a community into a limited number of organized political parties. For interests not so organized, or not capable of being so organized, it provides no weight. The same criticism is available against the more elaborate recent proposals for representing economic groups—manufacturers, merchants, and various kinds of laborers. Such a distribution of interests is neither exhaustive nor stable.

In estimating the value of these and similar devices, what needs to be remembered is that decision by the "ordeal of number" is, after all, only a makeshift, a matter of convenience at most, and not of essential justice. Because it is an acceptable rough-and-ready standard for many kinds of decisions, it must enter into the processes of democratic government at many points; but what particular kinds of decisions are to be made by counting noses, and whether the noses are to be grouped for counting territorially, industrially, or otherwise, is a question which cannot be determined by considerations of abstract right and justice, but only by examining how far any particular method of counting has actually operated to aid or impede the governmental task of adjusting those interests in the community which, because of their numerical strength, their intensity, or their social value, are insistent enough for government to take account of. This is the answer to such an argument as that representation in the United States Senate is fundamentally unjust because it does not allow equal representation to a voter in New York and a voter in Nevada. Any approach to the problem which attempts to assign numerical weight to interests on the basis of their supposedly just claims assumes that the method of counting is a way of arriving at just decisions instead of being merely a method for ensuring that decisions will be accepted by enough people, and by people well enough distributed, to make them effective. Justice is not

- to be won by arithmetic or mechanics; it must be sought in more subtle ways.

If it is once recognized that the object of reaching decisions by counting is primarily to facilitate their acceptance, it becomes clear that to be effective the numerical process must be coupled with and corrected by other agencies. Of these, the most important is responsible leadership. One of the tests, therefore, of the value of any established system of representation is whether or not it is compatible with the proper functioning of such leadership. Another test is whether or not a representative system provides new interests which are emerging in the community with a chance for making their influence felt. To that end it is desirable that the system should be as flexible and capable of responding to as many currents of changing interests as possible. This result cannot be obtained by any universal formula of apportionment, least of all by a complicated scheme of interest-representation. Every representative system at any given time is bound to be more or less inadequate to what many people expect of it. But stability is no less necessary than flexibility; and stability forbids altering the system from day to day. All that can be asked is that such a system shall on the whole facilitate rather than impede the main objective of democratic government, which is to dispose the several interests in a community to come into forms of political compromise for which they accept a part of the responsibility. The mechanism for reaching such compromises must in the last analysis depend on the nature and demands of the interests themselves at any given time. All that can be insisted on is that it shall be at least as effective as the state of affairs in the community will permit it to be.

VI

To democracy so conceived it is possible to raise a central objection. What provision, it may be asked, do any of the types of government falling within the definition make for committing the decision of political questions to those best

qualified to decide? With the increase of knowledge in recent years, it is pointed out that many questions arise for political action about which a small number of individuals are alone in possession of the facts necessary for a wise decision. It is said that in the field of private business the executive having to make such a decision would at once summon these "experts" to his aid, and would be guided purely by the data which they presented; whereas under a government of democratic type a political decision is based dominantly on the wishes and opinions of persons who can claim to have no well-informed knowledge, while those who have such knowledge are generally not even consulted.

This criticism is as old as Plato. The form which it commonly takes in current discussion is to insist that in a world where efficiency depends more and more on technical knowledge, governing officials will never be free to follow expert advice until government is relieved of dependence on the unreasonable wishes and ill-informed opinions of the masses on whom it must act. Furthermore, it is added, such a result would be welcomed by the vast majority of citizens themselves in most modern democracies. Political questions have become too complicated and dull to interest them; they realize that they are not competent to decide such questions. They are, however, coming to see that they have a vital interest that government be efficient; and in order to make it so, they would gladly surrender the shadow of power which they possess.

Some points in this argument are well taken. It is true that in almost all activities of government the use of expert knowledge is becoming more desirable; it is also true that in some democracies a large number of voters are ceasing to be interested in some or all of the political decisions they are asked to make. In so far as such a lack of interest prevails among those who are charged with making decisions, and in so far as the use of expert knowledge in government is prevented, there is indicated a serious defect in forms of government which permit such results. The question remains, however,

- whether the remedy proposed is the one adapted to the disease;
• whether really expert government is to be promoted by eliminating the democratic principle.

At this point we need deeper analysis of the meaning of "expertness" in government than we usually make. The expert in government is not like the expert in surgery or structural engineering, who works from the outside on inert material. Nor are the problems of government like problems of business, where the end in view is always the fixed and simple one of creating larger profits. Good government means only the most effective and least wasteful way of doing the things which at a given time government ought to do. The central problem, therefore, is always what government ought to do, and what it ought to do first. Take for example a municipal government confronted with the problem of whether to increase its police force, its fire department, its water supply, its school system, its recreation facilities. Shall it do all of these things or only some of them? And if some of them, which? These are not technical questions in the ordinary sense. They are questions which turn on the wants felt by human beings, and on what human beings will tolerate in the way of a tax-rate, and in the way of interference with their liberties. Yet these are the factors which a truly expert administrator must take account of. Is it not, therefore, of first importance for him to know whether there is felt in the community any want for schools, for sanitation, for playgrounds, and whether one is wanted by more people, or more intensely by a few people, than the others?

Granting that a given form of democratic government enables the wants felt in a community to get themselves accomplished in something roughly like the order of their relative intensity, it may be that those wants will seem unintelligent to the competent observer. Sanitary conditions may be such as to render pestilence imminent, and yet no important part of the community may show interest in better sanitation; the school system may be wholly inadequate, and yet there may

be no pressure from within the community for more schools. Under such circumstances it is assumed that government should be in a position to go forward and do what is necessary without waiting for impulses from the community to supply it with momentum—that it should act on the advice of sanitary engineers and educational experts. Doubtless there are extreme cases in the history of almost every community where the community has needed to be saved from itself. But in an advanced community, as distinguished from one just emerging from barbarism or social anarchy, unless such cases are exceptional, strong doubt may be registered as to whether the community is capable of salvation. Dealing only with usual situations, is it in the long run for the best interest of communities to be led by efficient governments along paths in which they should go, or to wait until some element arises in their midst with an effective will that they should go in those paths?

We are here thrown back on one of the oldest dilemmas of politics. It would seem clear that in the long run, no matter how absolute is the power of a government, it cannot make a community develop in directions in which there is no will in the community to develop; sooner or later government sinks to the level of those whom it governs. The picture of a community of unruly children being permanently guided by the disinterested wisdom of its best intellects is an idle dream. Government, whatever its form, is bound to be in the long run far more a reflection of the balance of interests in the community than an agency capable of making the community reflect the independent will and purposes of the governors. This being so, it would seem better in the ordinary case that the influence which the various interests and purposes in the community exert on government should be organized into the orderly processes of democracy than allowed to assert themselves irregularly and sporadically through the methods of absolutism. As an argument against democracy in advanced communities, the need for intelligence in government fails to make out its case.

But this is not, as votaries of democratic dogma are too prone to suppose, the end of the story. If it is desirable that government be democratic, it is equally desirable that it be intelligent; and every democratic government faces the challenge so to organize itself as to introduce into its processes the largest amount of intelligence which the effective wills at work in the community are willing to tolerate.

To make intelligence effective in government requires primarily that the members of government shall be guaranteed a certain independence, a certain freedom to rise above special interests and make positive contributions of their own toward the adjustment of such interests. When the democratic dogma operates to make such independence impossible, it denies to democratic government its full measure of usefulness. Something can doubtless be done to make up for inefficiency in the political branches of government by developing a trained expert staff in the administrative departments. Departments so manned can exert a certain control over political decisions, and thus supply a partial corrective against gusts of influence from unintelligent sources. But exclusive reliance on expert professional administration has two disadvantages: it creates the real danger of a hide-bound and unprogressive bureaucracy; in addition, professional administrators are incompetent to perform the primary task of political leadership, which is the task of educating the electorate, moulding opinion, and testing and modifying the programs of government in the light of the responses which such educational efforts evoke.

The democratic fear of leadership goes too far when it seeks to convert political leaders into puppets passively responsive to wills they have no share in shaping. Nor is there validity at the opposite extreme in the Carlyle pose of disgust with government by discussion, however futile or mischievous much of such discussion is certain to seem. Without political discussion, orderly government in a mobile community cannot go on, for such government depends primarily on bringing different

wills and opinions to some measure of mutual understanding. If it is true, as the argument of this paper everywhere presupposes, that government of whatever type must respond to the currents of opinion at work within a society, it is necessary that effort from some source be made to clarify and harmonize the different elements of that opinion.

When government is not organized to take the lead in this task of education, the task will perforce fall into other hands. This is certainly the reason for the enormous spread of propagandist organizations in the United States today. It may be that the activity of these organizations is unfortunate; that they foster antagonisms rather than enlightenment. This is beside the point; the point is that since opinions are bound to influence government, it is inevitable that efforts will be made to influence opinions, and that if one type of agency does not assume responsibility for the work, another will take it up. In this as in other cases, what may at first sight appear as a disturbing excrescence on the democratic system turns out to be only an attempt to supply a deficiency in a particular form of that system and make it workable. The same cause accounts for the addition of an apparatus of direct legislation to the representative system in many of our state governments a few years ago. It had proved almost impossible to set legislatures in motion on behalf of certain kinds of interests, and the initiative and referendum held out a possible way for these interests to make their influence felt. Political structures seldom grow by fundamental reforming, but by developing their own makeshift devices to meet defects as these come to be felt. Sometimes the makeshifts, like the system they are intended to supplement, seem to involve more waste and friction than are ideally necessary. Communities are slow to learn how to escape intelligently and peacefully from a form of government to which they have grown accustomed. It may be clumsy and inefficient, or even corrupt; but until there arises within the community a will serious enough and strong enough to change it, change could hardly be improvement, since it would have no solid base to render it secure.

VII

• It is, of course, not beyond the bounds of possibility that the apparatus of a particular democratic government may in time become so cumbersome and unwieldy, so clogged by superfluous and fictitious influences, and so unresponsive to the living and active interests in a community, that the latter will come to feel it intolerable. In their impatience they may suddenly decide to get as far away from it as possible, and may accordingly consent to an act of revolution, supplanting it with some form of absolutism—with a government which will run on its own steam and not be under the necessity of taking its direction from a composite of petty and unimportant forces. Relief of substantially the same character may come by a less direct and less violent method. Important interests which find governmental agencies too cumbersome to effect the adjustments they desire may build their own apparatus of adjustment outside of, and apart from, the governmental system, through conferences, economic clearing-houses, boards of arbitration, and the like, thus in large measure emancipating themselves from dependence on government. Government will thus come to play what may be thought a less vital rôle in the life of the community. To some extent, this outcome is bound to occur in every community as its processes become more complex, no matter how efficiently its government may be organized. No government can monopolize the function of making human adjustments, and as the need for such adjustments becomes greater, an increasing number of them will inevitably be made through other than political channels. As a result, the relative importance of government may appear to be reduced and it may be plausibly argued that the functions remaining to it can be less wastefully performed by a self-perpetuating professional service than by the elaborate and expensive machinery of democracy.

Granting that a transition, whether by gradual or revolutionary methods, to some form of absolutism, military or bureaucratic, is never wholly beyond the bounds of possibility, however improbable it may seem from indications existing

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at any given time, there remains the question whether it can yield the results anticipated from it. Assume that the most important interests in a community have worked out machinery for making their adjustments without resort to government; assume that government has become organized in a form which is unwieldy and ineffective, and which may even operate to clog and impede satisfactory adjustments arrived at by non-political methods. Under such circumstances, can permanent advantage be expected from substituting a more simple and expert type of government from which the democratic principle is eliminated? An affirmative conclusion must, in the light of what has been said, rest on the belief that the important interests in the community can rely permanently on non-political methods for making their adjustments, and that government can once and for all be relegated to a secondary and relatively unimportant place in community life. Such a belief, it is submitted, can be justified on only one assumption, i.e., that the life of the community will become static, that no decisive changes will take place in the relative importance of interests, that no aggressive new interests will emerge or new contacts be set up between interests not already in contact. If any of these things happen, there will inevitably be need for political action. Voluntary adjustments are ordinarily possible only between a relatively small number of interests, and between interests which have already come to know one another's measure. Where numerous interests are involved, voluntary adjustments between any two or more are almost certain to overlook or override the claims of others. When new interests emerge, old interests are almost certain to refuse them room. For the peaceful solution of such situations, political action is required; and unless there is available for such action a governmental apparatus embodying the democratic principle, sooner or later a needless amount of social friction and disorder will result. The advantages of absolutism are illusory; they amount to a half-way remedy, at times perhaps necessary as the only way of getting rid of an unworkable form of democ-

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- racy, but valuable in the long run only as a bridge to some other form of democratic government better adapted to the new needs of the community. Permanent absolutism is compatible only with permanent social stagnation.

The choice before democratic governments is always, therefore, whether they will adapt themselves in season to the more effective performance of their tasks, or whether they will require an interlude of absolutism to bring about the necessary reforms. If a democratic government is allowed to become unwieldy, unmanageable, and corrupt, and to fall under the control of leaders without imagination, initiative, and a sense of responsibility, it may continue in this condition as long as no important tasks are exacted of it. Sooner or later, however, it will be expected to perform such tasks. If it proves unequal to them, a resort to absolutism may follow. But this will afford no ultimately satisfactory relief; unless permanent social inertia ensues, a new form of democracy must sooner or later be worked out.

THE PERSONNEL OF THE BRITISH FOREIGN OFFICE AND DIPLOMATIC SERVICE, 1851-1929

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I. CONDITIONS UNDER WHICH FOREIGN AFFAIRS ARE CONDUCTED

The connection between public opinion and public policy is slighter in foreign affairs than in any other sphere of politics. In normal times, international relations have little palpable impact upon the life of the people, and are obscured by more vivid domestic issues until war or some sudden crisis throws a high light on their significance. Even since the Great War, although public realization of the importance of foreign affairs has begun to be aroused in the late belligerent countries—in England at any rate—direct contact between popular opinion and government action is still both sporadic and uncertain.

What is true of the British nation is almost equally true of its representative assembly. Parliament has but little power over foreign affairs. Some of the most momentous changes in the country's relations with other Powers have, in the present century, been accomplished without reference to the House of Commons, and often without even its knowledge. Like the people themselves, the people's representatives exercise only an inconsiderable control over that branch of public affairs which is at present of more vital concern than any other.

Most British foreign secretaries, indeed, regard their actions as matters of exclusively executive concern. A cabinet of twenty ministers, already overworked in their own departments, is not, however, a body which can conduct the country's foreign relations. On his own subject, the Foreign Secretary dominates his ministerial colleagues. Experience shows that he can avoid consultation with all the cabinet save two or three of the principal ministers. In guiding foreign policy, and even

in controlling decisions which may pledge the nation to future hostilities, the cabinet as a whole has an authority not much greater than that of Parliament.

Accordingly, the Secretary of State for Foreign Affairs is subjected to less criticism from people, Parliament, and cabinet, and enjoys a greater freedom from outside control, than any other minister. It does not follow, however, that he is in the position of an isolated autocrat possessing, as Bryce said, "all but unlimited discretion." Fifty years ago a Foreign Secretary, if he were of the Palmerston type, could stamp his whole policy with the mark of his individuality. Today, however, the ramifications of international affairs are such that no one man, even if he is assisted, as at present, by two parliamentary under-secretaries, can exercise an adequate supervision over the whole field of international relations. Just as Parliament has delegated foreign affairs to the cabinet, and the cabinet to the Foreign Secretary, so the Foreign Secretary is compelled by the pressure of business to delegate an increasing proportion of his authority to his chief permanent officials. Personal administration on any considerable scale is impossible. The Foreign Secretary is responsible for the lines of policy adopted, but in their practical execution he is guided by the Foreign Office and the Diplomatic Service.

The ephemeral political amateur must necessarily be greatly dependent on the established administrative expert. In foreign affairs, the dependence is accentuated, owing, firstly, to the growing congestion of business, and, secondly, to the fact that intercourse between nations is carried on largely by ambassadors and envoys stationed abroad in the various capitals. These diplomatic representatives possess the exact knowledge on which the Secretary of State's decisions must be based, and they are also his chief means of implementing the policies on which he decides. The number of British embassies and legations has increased from twenty-two in 1851 to forty-six in 1929. The Foreign Secretary, oppressed by the accumulation of affairs and the growth of contacts with foreign powers, is

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drawn away from outside influences and relies increasingly on his official advisers at home and abroad.

The dependence of the Foreign Secretary upon his bureaucratic subordinates means that the Foreign Office and the Diplomatic Service are departments of greater autonomy than any other section of the British civil service. An exceptionally great authority is wielded in foreign relations by the bureaucracy in comparison with the democracy. It is even truer in international than in domestic affairs that to discover the incidence and effects of state action it is necessary to look, not merely to the legislature and the executive, but also to the administrative machine by means of which principles are translated into practice. Day-to-day relations with foreign powers are in the hands of accredited representatives enjoying virtual independence. And whereas in domestic administration the future can in a measure be foreseen and provided for, in foreign affairs passing incidents often prove subsequently to be crucial, and crises usually arise without warning. On such occasions, much of the Foreign Secretary's authority perforce devolves upon his representatives on the spot. Moreover, the actual conduct of international relations depends in the main on the interaction of personalities. Individuals count for more than institutions.

Enough has been said to show that the instrument through which foreign policy is conducted, and in practice to a large extent created, is of foremost importance, and that, accordingly, the character of its personnel is worthy of the closest examination.

Speaking in 1858, John Bright described England's foreign policy as "neither more nor less than a gigantic system of outdoor relief for the aristocracy of Great Britain." What truth was there in the generalization at that date? Has it become less true since then? If so, to what extent? To such questions and their implications, a quantitative analysis of the kind that follows can alone provide satisfactory answers.

II. BELATED APPLICATION OF THE DEMOCRATIC PRINCIPLE

- A permanent, competitively-selected administration was one of the greatest political inventions of the nineteenth century. The reform of the British civil service began in 1855. Until then the administrative machine had been manned by placemen who owed their positions to family and political influence. The growth of democratic ideas and the multiplication of the state's liabilities made the system of patronage intolerable. The remedy applied was the competitive examination, which gradually opened the civil service to members of the newly enfranchised middle classes.

The first breach in the aristocratic political régime was made by the Reform Act of 1832. But it was nearly a quarter of a century before any step was taken toward democratization of the civil service. Realization that administrators, like governors, must, if they are to be good servants of the people, be drawn from the people, came slowly and reluctantly.

In the Foreign Office and the Diplomatic Service progress was much slower even than in the rest of the civil service. Until 1880, no limit beyond a "qualifying test" was set to the patronage of the Secretary of State in making appointments to the Diplomatic Service, and even the "limited competition" then instituted was not, to quote the report of the Macdonnell Commission of 1912-14, "calculated materially to raise the efficiency of the service or to widen the area from which candidates were drawn." Until 1919, no candidates could sit for the examination for either the Diplomatic Service or the Foreign Office unless they were "known to the Secretary of State or recommended to him by men of standing and position on whose judgment he could rely, and who themselves knew the candidates personally." Even after nomination, candidates were not permitted to sit for the examination until they were approved by a board of selection, which beyond question was influenced by considerations of social eminence. Moreover, until after the Great War it was made a condition of nomination that

candidates should possess a private income of not less than £400 a year.

The reason why the democratic principle has been extremely slow in permeating the methods of recruitment for the British Foreign Office and Diplomatic Service is to be found in the theory on which foreign affairs have been conducted. "There is," wrote Bagehot in the sixties, "one kind of business in which our aristocracy have still, and are likely to retain long, a certain advantage. This is the business of diplomacy. . . . The old-world diplomacy of Europe was largely carried on in drawing rooms, and, to a great extent, of necessity still is so." Diplomacy was thought to require a breeding and finesse that could be found only amongst the aristocracy and the gentry. It was a branch of public affairs in which suitable administrators could be secured only if the democracy continued to select them according to the aristocratic principle. To associate on equal terms with the ministers of foreign governments, a diplomat should possess the elegance and refinement of manners which result from gentle birth and aristocratic upbringing. Thus, until 1919, the Foreign Office and Diplomatic Service remained as a relic of a régime which had first begun to crumble in 1832. Almost a century elapsed after the first steps had been taken toward democratization of the state before the door of diplomacy was opened unconditionally to ability.

III. FOREIGN OFFICE AND DIPLOMATIC OFFICIALS CLASSIFIED

Some explanation must be given of the nomenclature and classification employed in this study. The term "aristocratic" has been applied to all who hold hereditary titles. The category of "rentier" includes all others who possess independent means which exempt them from the necessity of working for a livelihood. The greater portion of this class belong to the landed gentry and to county families. When, as often happens, a man is a rentier but also follows a profession, he has been classified under his calling. The number of rentiers, therefore, is in fact somewhat greater than the figures disclose.

“The professions” comprise the church, the law, the army and navy, and medicine. “The higher civil service” indicates the Foreign Office, the Diplomatic Service, the Consular Service, and the rest of the administrative civil service.

The numbers of officials educated at Eton and Harrow are given separately. Other public schools are divided into two sections. The “leading public schools” are for this purpose nine in number, i.e., Westminster, Rugby, Marlborough, Clifton, Winchester, Malvern, Cheltenham, Charterhouse, and Haileybury. Under “lesser public schools” are included all schools appearing in the *Public Schools Yearbook*, a list which comprises, after allowance for the schools already enumerated, some 140 places of education. Where a man has been at more than one university, both are recorded. Education at universities abroad is noted; but many classified under the head “no university” have doubtless studied languages at foreign universities. It is to be observed that the calculations derived from the tables are subject to a certain margin of error, since it has been impossible to obtain complete statistics.

The ranks included in this inquiry are, in the Foreign Office, permanent, deputy, and assistant under-secretaries, chief clerks, and junior clerks, and assistant secretaries; and in the Diplomatic Service, ambassadors extraordinary and envoys extraordinary. At the period 1851 to 1929, a total of 249 men held one or more of these posts, of whom 39 served in the Foreign Office alone, 32 in the Diplomatic Service alone, and 18 in both services. Table I shows their parentage and the school and university they attended, and gives the same particulars for the Foreign Office and Diplomatic Service separately.

The following table provides a broad picture of the nature of the personnel of the Foreign Office and the Diplomatic Service during the last eighty years. The most striking deduction is that fifty-three per cent belong to the aristocracy or the gentry. Twenty-two per cent were sons of men following one or another of the professions, but only four per cent came from business families. Among parents dependent on their own

TABLE I

(a) *Parental Occupation*

	<i>F.O.</i>	<i>D.S.</i>	<i>Total</i>
Aristocrats	17	82	93
Rentiers	6	36	39
Foreign Office	1	3	4
Diplomatic Service	4	10	12
Consular Service	1	5	6
Other C. S. Depts.	4	6	7
Church	2	11	13
Law	3	8	10
Army	5	19	24
Navy	1	3	3
Medicine		4	4
Parliament	4	3	6
Business	2	9	10
Literature		2	2
Academic		1	1
Stage	1		1
Unclassified	6	8	14
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	57	210	249

(b) *School*

	<i>F.O.</i>	<i>D.S.</i>	<i>Total</i>
Eton	27	67	85
Harrow	6	23	27
Leading Public Schools	6	36	38
Lesser Public Schools	4	22	26
Other Schools		9	9
Military and Naval Colleges		5	5
Privately	1	18	18
Abroad	2	9	10
Unclassified	11	21	31
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	57	210	249

(c) *University*

	<i>F.O.</i>	<i>D.S.</i>	<i>Total</i>
Oxford	15	62	72
Cambridge	9	31	36
London		2	2
Edinburgh		3	3
Glasgow		1	1
Dublin		5	5
Belfast		2	2
Foreign Universities	3	5	7
No University	24	100	115
Unclassified	7	5	12
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	58	216	255

efforts for a livelihood, civil servants and soldiers form easily the largest categories. The extent of heredity is worthy of remark. Twelve per cent were sons of members of the Foreign Office or the Diplomatic Service, and if the Consular Service and the rest of the administrative civil service are included, the percentage is seventeen. Investigation shows that the tendency for sons to follow their fathers in a diplomatic career was more marked in the earlier part of the period. Rather surprisingly, among men included in this analysis, only six were the sons of politicians.

Attendance at one or another of the great English public schools is the hallmark of a high social position. Sixty per cent went to the eleven most exclusive schools. Of the remaining forty per cent, well over half attended the lesser public schools, received a military or naval education, or were educated privately or abroad. Only nine men out of 249 have been traced who went to schools other than the recognized public schools and the military and naval colleges, and of these five were not diplomatists *de carrière*. Forty-five per cent of the personnel of the Foreign Office and the Diplomatic Service went to one of the two foremost schools in the country, and over one-third were Etonians.

The statistics of university education bear out the inferences already clear. Of those who received higher education, ninety per cent went to either Oxford or Cambridge. The remaining ten per cent are accounted for by three who went to Edinburgh and seven who attended Irish universities. Not a single entrant went exclusively to London University. By far the largest category in this column, however, consists of those who attended no university at all. It is significant that only about one man in two of those occupying the selected posts in the Foreign Office and the Diplomatic Service was university trained.

A comparison of the two services shows that the Diplomatic Service is the more socially exclusive. The aristocratic and rentier classes form fifty-six per cent of the Diplomatic Service, but only forty per cent of the Foreign Office. This fact is partly due to the attraction to men of noble birth of service abroad in an environment of courts and aristocratic society, and equally no doubt to the necessity until recently for ample private means to supplement the diplomat's official salary. A perceptibly higher proportion of the Foreign Office personnel consists of public school men, and indeed no member of the Foreign Office has been traced who has attended any school in the country other than the public schools. Thirteen per cent of diplomats have been educated either privately or abroad. This is attributable to the important part which foreign languages play in diplomacy, and to the exacting linguistic tests imposed on entrants to the Diplomatic Service. It is notable that among men trained at British universities, every member of the Foreign Office without exception went to either Oxford or Cambridge, while six per cent of diplomats went elsewhere.

Table II shows the proportion of aristocrats at some of the principal British embassies and legations.

A majority of British ambassadors to the republican United States have been of aristocratic birth, and the French Republic has since 1851 received no British ambassador, with the single

TABLE II

<i>Country</i>	<i>Total number of diplomatic rep- resentatives, 1851-1929</i>	<i>Number of Aristocrats</i>
France	9	8
United States	14	8
Germany	12	10
Belgium	10	8
Austria	16	12
Italy	13	6
Russia	15	11
Portugal	18	10
Greece	12	8
Netherlands	14	10
Sweden and Norway	20	10
	<hr/> 153	<hr/> 101

exception of the present one, who has not been a member of the aristocracy. Furthermore, the proportion of aristocrats is distinctly higher in the more important than in the less important diplomatic posts. Over the whole period, 35 out of the 66 ambassadors have been aristocratic in origin, but in the case of envoys the proportion is only 73 out of 194. These figures lend color to the theory that preference is shown to aristocrats in appointments to the highest-placed chancelleries.

The broad conclusion indicated by the statistics hitherto tabulated is that the British Foreign Office and Diplomatic Service are wholly unrepresentative of the general community whose accredited delegates they are. Their members are drawn to the extent of thirty-seven per cent from the aristocracy, which consists of no more than about one thousand families, and to the extent of eighty-six per cent from the aristocratic, rentier, bureaucratic, and professional classes—classes which form a mere fraction of the total population.

IV. TENDENCIES RESULTING FROM CHANGES OF RECRUITMENT PROCEDURE

It is important to discover whether during the seventy-nine years under review any change in the character of Foreign Office and diplomatic personnel has taken place, and whether the reforms in the procedure of recruitment which have from time to time been effected have enlarged the circle from which entrants are drawn.

Attention must be given mainly to the pre-war period, because although far-reaching reforms in the examination system were carried out after the war, their effect during the last decade is as yet difficult to estimate. The system that the reforms of 1919 supplanted was recruitment by what has been called "limited competition." In the Foreign Office, "limited competition" replaced patronage as early as 1857, but in the case of the Diplomatic Service there were two landmarks in the reform movement. In 1857 pure patronage was supplemented by a "qualifying test." No competitive element was, however, introduced into the test, and it was not until 1880 that "limited competition" was set up. Table III gives particulars for 51 men who went into the Diplomatic Service during period 1 (up to 1856), the period of undiluted patronage; 30 during period 2 (1857 to 1879), the period of the "qualifying test;" and 87 during period 3 (1880 and after), the period of "limited competition."

The table mentioned is evidence of a well-defined movement toward democratization in the Diplomatic Service. During the epoch of patronage, two out of every three diplomatists were aristocrats. After the reform of 1857, the proportion declined to one in two, and when competition was inserted in the examination in 1880, to less than one in three. The percentage of men whose fathers earned their own livelihood rose from twenty in the first period to thirty-seven in the second, and forty-four in the third. The proportion of sons of civil servants increases perceptibly after 1880, and the parental categories of professional and business men show a marked ex-

TABLE III

(a) *Parental Occupation*

	<i>Period I</i>	<i>Period II</i>	<i>Period III</i>
Aristocrats	32	15	25
Rentiers	5	4	23
Higher Civil Service	5	3	12
Professions	3	7	19
Parliament	1		2
Business		1	4
Literature	1		
Academic			1
Unclassified	4		1
	—	—	—
	51	30	87

(b) *School*

	<i>Period I</i>	<i>Period II</i>	<i>Period III</i>
Eton	15	7	38
Harrow	3	8	10
Leading Public Schools	7	5	18
Lesser Public Schools	2	5	5
Other Schools	2		2
Military Colleges	2	1	
Privately	6	2	7
Abroad	3		3
Unclassified	11	2	4
	—	—	—
	51	30	87

(c) *University*

	<i>Period I</i>	<i>Period II</i>	<i>Period III</i>
Oxford	8	13	34
Cambridge	8	1	15
Edinburgh	2		
Dublin	3	2	
Foreign Universities	2	1	2
No University	27	13	36
Unclassified	2		2
	—	—	—
	52	30	89

pansion over the whole period. The percentage educated at the eleven most exclusive public schools rises from forty-nine in the first to sixty-seven in the second and seventy-six in the third period. The higher proportion of public school men in recent years may be attributed to the fact that Roman Catholics, who have always been numerous in both the Foreign Office and the Diplomatic Service, were formerly debarred from going to English public schools, and were educated, as the investigation bears out, either at Catholic schools, in England or abroad, or privately at home. Since the abolition of patronage there has been a discernible increase in the proportion of academically trained men. Moreover, it is noteworthy that not a single diplomatist of distinction who has entered the service since 1880 has been trained at any university other than the two premier ones.

In the case of the Diplomatic Service, and to a less degree the Foreign Office, there has been a constant influx of men who have not entered the services at the usual age or passed through the lower ranks. Table IV gives particulars, including their previous careers, for these outsiders, who number 47 in all, and form twenty per cent of the personnel of the Diplomatic Service and eleven per cent of that of the Foreign Office.

It is clear from this same table that this category is drawn

TABLE IV

(a) <i>Parental Occupation</i>		(b) <i>School</i>	
Aristocrats	10	Eton	9
Rentiers	6	Harrow	3
Higher Civil Service	5	Leading Public Schools	6
Professions	17	Lesser Public Schools	12
Business	5	Other Schools	5
Literature	1	Military and Naval Colleges ..	2
Unclassified	3	Privately	3
	—	Abroad	3
	47	Unclassified	4

(c) <i>University</i>	(d) <i>Previous Career</i>
• Oxford .....11	Consular Service .....25
Cambridge 8	Higher Civil Service 5
London 2	Politics 9
Edinburgh 1	Army 1
Glasgow 1	Navy 1
Belfast 2	Royal Household 2
No University .....24	Law 2
Unclassified 1	Journalism 2
<hr/> 50	<hr/> 47

from a lower social stratum than the remainder. The percentage whose fathers belonged to the leisure class is thirty-four, in comparison with fifty-seven for the rest of the personnel. The professions are here the largest category of parental occupations. Sixty-five per cent of those who spent their lives in the Foreign Office or in diplomacy were at the more exclusive public schools, as contrasted with thirty-eight per cent among the laymen, and in the foregoing table public schools of the second rank form the largest scholastic class. Of the seven members of the Foreign Office and the Diplomatic Service who alone have exclusively attended any British university other than Oxford or Cambridge, it is notable that three have been men who entered the services after careers elsewhere. It is worthy of note also that the proportion of outsiders who have had an academic training is slightly below the general average for the Foreign Office and the Diplomatic Service.

A study of the previous careers of men under this head reveals the fact that a majority of them had served in the Consular Service. Several of the twenty-five thus accounted for had been student interpreters, while others had passed through the army and had become military attachés before being drafted into the Consular Service. In respect to some countries where a thorough knowledge of national traditions and customs is desirable, it has been a common practice to fill diplomatic vacancies from the junior service. Four out of ten

diplomatic representatives in Japan, seven out of thirteen in China, three out of eight in Morocco, two out of four in Ethiopia, and all three in Costa Rica were appointed to their embassies or legations without previous experience in the Diplomatic Service, and all of them had graduated through the Consular Service. Of the forty-seven men drafted into the Foreign Office or the Diplomatic Service from outside, all except four came from some career of state service or public life. It is noteworthy that nineteen per cent of them were drawn from politics, and in recent years a growing disposition is observable to award the highest posts to distinguished politicians. Of the five most recent ambassadors at Washington two—Viscount Bryce and Sir Auckland Geddes—had been ministers of the crown.

Ambassadors and envoys promoted from below, or from outside, have frequently had diplomatic careers of unusual distinction. Sir Ernest Satow at Peking and Tokio, and Sir John Jordan at Tokio, both of whom were taken over from the Consular Service, were diplomatists of special prominence, the latter being the greatest authority on China in his day. Sir William White at Constantinople was one of the most celebrated of ambassadors. Two ex-politicians—Viscount Bryce in the United States and the Marquess of Dufferin in France—were outstanding diplomatic successes.

The Macdonnell Commission on the Civil Service (1912-14) made certain recommendations for the reform of the Foreign Office and the Diplomatic Service which were put into effect in 1919. The two services were amalgamated into a single "Foreign Service." While special proficiency was still to be required in foreign languages, the general examination scheme was assimilated to that for the rest of the administrative civil service. The requirement that a candidate, before proceeding to the examination, should obtain a nomination from the Secretary of State himself, or from someone "of standing and position," and also that he should have a private income of £400 a year, was abolished. Effect was given to the proposal that

- “the salaries and allowances in the Diplomatic Service should
 • make it possible for a member of that service to live upon his official emoluments.”

It is a matter of great importance to discover whether the adoption of these reforms has had any marked influence on the nature of the personnel recruited since 1919. Statistics are sparse, but the reports of the Civil Service Commissioners from 1923 to 1928 give the places of education of the thirty-one successful candidates during that period. These figures are as follows:

TABLE V

(a) <i>School</i>		(b) <i>University</i>	
Eton	7	Oxford	19
Harrow	3	Cambridge	11
Leading Public Schools	10	London	1
Lesser Public Schools	9	No University	1
Other Schools	2		
	—		—
	31		32

The Macdonnell Commission carried out a similar analysis for the same number of years just before the war, and it is instructive to observe its findings. “We have been furnished by the Civil Service Commissioners,” states the report, “with the educational antecedents of the successful competitors for attachéships in the years 1908 to 1913 inclusive. No fewer than twenty-five out of thirty-seven (about sixty-seven per cent), came from Eton, while all but a very small fraction had been educated at one or other of the more expensive public schools. In only one case was any university other than Oxford or Cambridge represented.” The conclusion is that “no further evidence is required to show the limiting effect of the present regulations upon the class of candidates from which the Diplomatic Corps is recruited.”

Some change in the character of the personnel admitted appears to have resulted from the adoption of the new regulations. The percentage coming from Eton has fallen from sixty-

seven to twenty-three. But the change is not profound. Sixty-five per cent in the later period attended one or another of the eleven leading public schools—a percentage which is actually five points higher than the corresponding percentage for the whole period since 1851. Moreover, every entrant, with the exception of one from a preparatory school and another educated at the Royal Naval College, Dartmouth, received a public school education. Furthermore, as in the six pre-war years, there is only one instance of any university other than Oxford or Cambridge being represented, and this entrant in the later period was also an Oxonian. It is also worth noting that while during the whole period studied only about one man in two was university-educated, in the selected post-war years one man alone out of thirty-one did not receive an academic training.

The general inference which follows from a study of the effects of the various reforms in the examination regulations is that they have been substantial but not profound. There has been a gradual modification of the personnel, but no radical transformation. During the period of patronage, nearly three out of four diplomatists were members of the aristocracy or the gentry. Since then, democratization of the conditions of entry has enabled civil servants and professional men increasingly to send their sons into the Foreign Service. The series of reforms has not yet sufficed, however, to make the Foreign Office and the Diplomatic Service representative of all classes of the community. No trace is discoverable, even since the Macdonnell Commission swept away social distinctions and made diplomacy a career open to talent, of men entering the Foreign Service who have climbed the educational ladder from state elementary school to university. This branch of the British civil service is still dominated by the greater public schools and by the older universities. Despite the reforms, environmental advantages still weight the balance heavily in favor of the propertied and the professional classes.

V. TRAINING FOR THE FOREIGN SERVICE

• The theory which, first enunciated by Macaulay, has since 1855 governed entrance to the British civil service is that the scheme of examinations should be bound up with the general educational system of the country. In the case of the Foreign Office and the Diplomatic Service, however, the prominence given to foreign languages in the examination has imperilled the full application of the "Macaulay principle." Great advantage in the linguistic section of the examination accrues to candidates who have proceeded straight from school to a foreign university or tutor. Of the personnel investigated since 1851, almost one-half sat for the examination after having spent their post-school years elsewhere than at a British university.

Failure to profit by the widening of intellectual vision conferred by university life must be a severe handicap to the diplomatist. Once his career opens, he is an exile. Three years at a British university should enable him to appreciate the currents of domestic thought and to evaluate the social forces of his day. If this period of preparation for a diplomatic career is spent abroad, the would-be diplomatist is inevitably cut off from knowledge of the social and political movements of the country which he expects to represent to foreigners.

The necessity for dealing with this problem was recognized by the Macdonnell Commission. "If our proposals are adopted," the commissioners stated, "the diplomatic service will be made more attractive to men of ability and high academic training, while its members will have greater opportunity of studying subjects of value to them in their profession. Charges have been made before us of defects of knowledge and narrowness of outlook in members of the diplomatic service, and without admitting the justice of such general criticisms, we consider that in many cases there is room for improvement." It appears from the admittedly incomplete evidence obtainable (see Table V) that the remedies which the Com-

•

mission prescribed have had the desired effect. In the years 1923 to 1928, only one non-university-trained candidate was admitted into the Foreign Service.

The observations of the Macdonnell Report imply a further criticism of the customary education of candidates for the Foreign Service. Not only is it important that the diplomatist should have acquired a familiarity with what is best in the thought of his own country, but his intellectual equipment should also include a knowledge of economic and political science. It may be true that men who have stayed at a university to the age of twenty-one or twenty-two are well equipped for any profession, but this liberal education requires for such a career as diplomacy a supplement of specialized information. Men destined for the fighting services are trained in the art of war-making. Diplomats should have mastered whatever theoretical knowledge may assist them in the art of peace-making.

An inconsiderable fraction of entrants to the Foreign Service take economic and political subjects in the examination, and indeed an idea is current that some special favor is accorded by the examiners to those who offer the classics. The fact that so substantial a proportion as twenty per cent of the more distinguished diplomatists have since 1851 been drawn from the ranks of the Consular Service and of other branches of the civil service and from among eminent politicians, together with the additional fact that these laymen have often had careers of outstanding merit, justifies some criticism of the talent available among professional diplomatists. In particular, numerous promotions from a junior service devoted to commercial activities lend color to the contention that a knowledge of the economic world which forms the background of modern political activity should be an integral part of any training for diplomacy. The conduct of foreign relations cannot be provided for properly unless it is recognized that they must be a subject of special study on the part of those responsible for them.

VI. CONDITIONS OF A GENUINELY DEMOCRATIC FOREIGN SERVICE

The unchallengeable conclusion that emerges from this statistical analysis is that the British Foreign Office and Diplomatic Service have been a preserve for the sons of the aristocratic, rentier, and professional classes. For this reason, their personnel is not a fair sample of British society as a whole. This was the view of the Macdonnell Commission: "... the Diplomatic Service is effectually closed to all His Majesty's subjects, be they never so well qualified for it, who are not possessed of private means. The official conditions of entry into this service fix the amount of the private means required at a minimum of £400 a year. The effect is to limit candidature to a narrow circle of society." The bureaucracy in foreign affairs has been one of the last strongholds in which the aristocratic principle has withstood the advance of democracy.

Men who have been nurtured in the British upper class have lived in a world secluded from the common people. Education at a great public school and one of the older universities provides a liberal education that fits men to be good administrators, but it is also a process of initiation into a social caste. Those so reared and trained are imbued with the peculiar prejudices of their walk of life. They are too far removed from the common people to comprehend their point of view. Their perspective is not characteristic of the nation as a whole.

In a democracy the Foreign Service ought, firstly, to represent to peoples abroad the mental attitude of the nation it stands for, and, secondly, to convey to the government at home the mind of foreigners. It is not qualified to perform either of these functions if it is representative only of a very small section of the life of the nation. With the best intentions, it can accurately interpret neither the lines of policy laid down by statesmen nor the general inclinations of public opinion. Unless the diplomatic personnel is typical of all classes, it will not work with a constant sense that it is the servant of the whole body politic.

In former times, the practice of diplomacy was restricted

to courts and the highest social circles, and this was the reason which Bagehot gave as justifying the predominance of the aristocracy in British diplomacy. But today aristocratic society is in most countries divorced from government. Familiarity with aristocratic habits is no longer a necessary qualification for the diplomatist. Indeed, the problems that have faced the world since 1919 demand treatment by men with qualities entirely different from those associated with the aristocratic frame of mind. The successful diplomatist needs in this age the capacity to mix with men of all classes and viewpoints, a capacity which is not to be acquired from an upbringing in British upper-class society.

Since the Great War there have been in all countries a keener public interest in foreign affairs and a greater popular aspiration toward the maintenance of peace than ever before. In England, these feelings have to a considerable extent found expression in the form of dissatisfaction with the traditional conduct of international relations. One general remedy which has attracted widespread support is the closer association of foreign politics with public opinion. The objects of diplomacy, it is argued, should be attuned to those of the people at large. Projects such as the establishment in the House of Commons of a permanent foreign affairs committee are now advocated as a means to this end. Another way of bringing diplomacy into closer touch with democracy would be to make its personnel a microcosm of the nation as a whole. A foreign service containing representatives of all social classes should produce a type of official more responsive to public opinion.

Bright's dictum has lost some of its force since it was enunciated; but the property, if not the purely aristocratic, class is still predominant in the British bureaucracy of foreign affairs. The necessity for widening the field of selection was recognized by the Macdonnell Commission, and since 1919 the Foreign Service has been recruited by merit regardless of class qualifications. Reform of the method of recruitment, however, represents only the first step. As the available evidence indi-

cates, it alone will not produce a genuinely democratic diplomacy. What has next to be done is less obvious, equally necessary, but more difficult. It is so to reconstruct the nation's scholastic system that citizens of all classes will be enabled to reach the top rungs of the educational ladder.

Complete emancipation from considerations of social status must, of course, be a slow process. Even when the sons of the lower middle and working classes gain admission to diplomacy, there is likely to be a bias against their preferment so long as the permanent under-secretaries and the ambassadors of the old régime remain in control. In the meantime, a foreign service manned by persons drawn from the privileged classes will remain antipathetic to the new internationalist ideals. A democratic diplomacy is alone capable of exploiting the moral forces rallied today behind the cause of world peace.

NATURAL LAW, DUE PROCESS, AND ECONOMIC PRESSURE

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"Liberty of contract" is an honorable phrase. It is not too much to say that contractual freedom is generally regarded as the crowning glory of Anglo-American law in general and of the American constitutional system in particular. Belief in a pre-civil state of nature may have been cast into the discard, but not so the belief in natural law in the sense of ideal law, in natural rights as rights superior—if not anterior—to civil rights, and in freedom of contract as one of the greatest of the natural rights secured by natural law. There is well-nigh universal approbation of the philosophy implicit in Sir Henry Maine's famous conclusion that "the movement of the progressive societies has hitherto been a movement from Status to Contract,"¹ and there is general satisfaction that certain American constitutional provisions preclude any retrograde movement in the future. In particular, there is rejoicing that the due process clauses of the Fifth and Fourteenth Amendments insure to the American workman his natural freedom of contract against any insidious attempt to relegate him to a servile status. In spite of an occasional voice crying in the wilderness,² it is still heretical to suggest that constitutional contractual liberty amounts to a guarantee that economic pressure may be exerted by the rich upon the poor, by the employer upon the employee. The hypothesis deserves further exami-

¹ Sir Henry S. Maine, *Ancient Law*, c.v., last par., p. 165 in the tenth edition.

² An outstanding discussion of contractual liberty is that of Dean Roscoe Pound in his article entitled "Liberty of Contract," 18 *Yale Law Journal* 454 (1909). Dean Pound's exhaustive presentation anticipates much of the present article, but his examination of Supreme Court decisions is necessarily restricted to those rendered before 1909.

• nation. It will be profitable to ascertain how far the use of economic pressure has been deemed natural in English law and philosophy, and then to observe the extent to which it is recognized in American constitutional law as a natural right superior to any legislative enactment.

But first it will be well to dispel the ambiguity that enshrouds the term "status," so commonly set up as a dread antithesis to "contract." Sir Henry Maine himself took pains, in the above-quoted passage about the movement of progressive societies, to "avoid applying the term [status] to such conditions as are the immediate or remote result of agreement;" that is, he applied it only to conditions resulting from the operation of law upon the fact of birth, without any intervening assent or acquiescence on the part of the individual affected. It is clear that status in this sense (with a few exceptions such as the status of the minor child in family law) is highly objectionable to American sentiment. But it ought to be equally clear that no compulsory arbitration or minimum wage law has the slightest tendency to create this type of status. What such legislation does is to prescribe that *if* certain employment agreements are made, they shall be made on certain terms, just as both common and statute law prescribe certain terms upon which a man and a woman shall marry, *if at all*, or as statute law prescribes the terms under which one shall adopt a child, *if one so wishes*. Assent is necessary in all these cases; but the terms accepted are not set by the haggling of the parties, and hence it is said, contrary to Maine's restrictive definition, that the parties enter into a "status," the incidents of which are determined by the law of the land. Thus the preference for contract rather than status is a preference for contractual terms set by individual bargaining rather than contractual relations on terms prescribed by the law-makers as suitable ones.

The haggling method of settling terms has undoubtedly been preferred by the English judiciary, although Parliament has often been of another mind, as when by the Statute of Laborers

in 1351 it prescribed that wages should be restricted to the level prevailing prior to the Black Death. Except in the field of domestic relations, there is very little of status in English judge-made law, but it must not be supposed that the courts have recognized freedom of contract to the extent of enforcing all agreements entered into, no matter how a stronger party may have dictated terms to a weaker. On the contrary, the latter is in many cases released from obligations that he has expressly assumed. A purported contract is vitiated by the incompetence—infancy, insanity, or intoxication—of one of the parties; by fraud, broadly construed to include so-called constructive fraud in certain cases where, although neither party is technically incompetent, one is greatly the superior of the other in intelligence or knowledge; and by duress and undue influence—including in modern equity cases almost every sort of interference with person or property or the threat thereof. Although attention is focussed upon the inception rather than upon the terms of the intended contract, a court rarely interferes unless the terms appear unjust; so that the law is actually, although indirectly and negatively, working toward an objective standard of contractual terms in many cases where the contracting parties meet on an inequality.

There is, however, a noteworthy exception to this tenderness of the courts. Where a party has assented to a disadvantageous contract under the urge of economic necessity, he may not on that account escape from his obligation. However much economic pressure (other than interference with property) may have been exerted by the other party, a court finds that the agreement has been voluntarily made and is enforceable—unless it is impaired by some additional element as incompetence or fraud. Occasionally, as in the years immediately following the Black Death, it is the workman who is in the favorable bargaining position, but it is obvious that economic necessity is normally an ally of the propertied class. Thus a striking feature of Anglo-American law is the ability of the propertied to secure unduly advantageous contractual terms, that

- is, terms more favorable than would be allowed if "fair" terms were prescribed by law. Advantage from superior brains is sharply restricted by the doctrines of incompetence and fraud; advantage from superior physical strength is wholly eliminated by the doctrine of duress; but advantage from superior wealth is unrestricted by any doctrine of either law or equity. Freedom to exert economic pressure may be said to exist under that natural law declared in Anglo-American judicial decision.

But common law rights, however natural to the English judiciary, are not synonymous with the rights guaranteed by the American Constitution. Countless rules that were natural law to English judges are subject to legislative modification in the United States, in spite of the constitutional guarantees that no person shall be deprived of life, liberty, or property without due process of law. We must look beyond both the constitutional provisions and the common law if we are to understand why the common law right of liberty of contract is peculiarly immune from statutory interference. The question is in its essence a philosophical one, and suggests a resort to philosophical literature. It can hardly fail to be fruitful to examine the doctrines of such influential English political philosophers as John Locke (1632-1704), Jeremy Bentham (1748-1832), John Stuart Mill (1808-1873), and Herbert Spencer (1820-1903).

John Locke, the great defender of the "Glorious Revolution" of 1688-89, was sure of an attentive hearing in England's American colonies. His treatise on *The True End of Civil Government*³ became a classic of the period of the American Revolution, when his views as to the relation between taxation and representation⁴ were peculiarly acceptable. But Locke's theory of taxation is only a particular application of his even more significant general philosophy of the natural rights of life, liberty, and property. He reasons: "The state of nature has a law of nature to govern it, which . . . teaches all mankind . . . that . . . no one ought to harm another in his

³ First published in 1690.

⁴ *The True End of Civil Government*, s. 140.

life, health, liberty, or possessions.”⁸ Again: “Man . . . hath by nature a power . . . to preserve his property—that is, his life, liberty, and estate.”⁹ And yet again: “But though men when they enter into society give up the equality, liberty, and executive power they had in the state of nature into the hands of the society, . . . yet it being only with an intention in every one the better to preserve himself, his liberty and property (for no rational creature can be supposed to change his condition with an intention to be worse), the power of the society or legislative constituted by them can never be supposed to extend further than the common good.”¹⁰

Here is clearly seen the germ of the “unalienable rights” of “life, liberty, and the pursuit of happiness” whose self-evidence was manifest to the author of the Declaration of Independence,⁸ and of the rights of “life, liberty, [and] property” that are assured “due process” by the bills of rights of many state constitutions and by the Fifth and Fourteenth Amendments to the Federal Constitution.

But it should be observed that Locke nowhere either expressly or impliedly recognizes a natural right of contract. His natural right of property is primarily restricted to the *use*⁹ of property secured by *labor*. “The same law of nature that does by this means give us property, does also bound that property too. . . . As much as any one can make use of to any advantage of life before it spoils, so much he may by his labor fix a property in. . . . As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property.”¹⁰

⁸ *Ibid.*, s. 6.

⁹ *Ibid.*, s. 87.

¹⁰ *Ibid.*, s. 131.

⁸ “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” *Declaration of Independence*, par. 2.

⁹ Locke was probably influenced by the very similar doctrine of Aristotle expressed in *The Politics*, bk. I, chaps. 9-10.

¹⁰ *The True End of Civil Government*, ss. 30, 31.

The right to property secured by barter is approved, and perhaps recognized as natural;¹¹ but the use of money is introduced only by assent,¹² and the rightfulness of the resulting disproportionate distribution of property is hence dependent upon convention¹³ and not upon natural right. If these are Locke's views as to executed contracts of sale, he must certainly *a fortiori* reject the doctrine that there is a natural right to use economic pressure to secure favorable terms in an executory contract. It is not surprising that liberty of contract was not derived from constitutional due process provisions until Locke's philosophy had been supplemented by that of the utilitarian school.

There is a delicious incongruity in turning to Jeremy Bentham¹⁴ as the author of the natural right of freedom of contract, for Bentham is an absolute unbeliever on the subject of natural law¹⁵ and opposes the doctrine of natural rights so vehemently as to exclaim: "Natural rights is simple nonsense,—natural and imprescriptible rights, rhetorical nonsense,—nonsense upon stilts."¹⁶ But Bentham does not hesitate to frame a system of ideal law—ideal because in accordance with the principle of utility or the greatest happiness of the greatest

¹¹ *Ibid.*, s. 46.

¹² "And thus came in the use of money; some lasting thing that men might keep without spoiling, and that, by mutual consent, men would take in exchange for the truly useful but perishable supports of life." *Ibid.*, s. 47.

¹³ "But since gold and silver, being little useful to the life of man, in proportion to food, raiment, and carriage, has its value only from the consent of men . . . it is plain that the consent of men have agreed to a disproportionate and unequal possession of the earth . . . they having, by consent, found out and agreed in a way how a man may, rightfully and without injury, possess more than he himself can make use of by receiving gold and silver." *Ibid.*, s. 50.

¹⁴ Bentham is mentioned by name in the course of Mr. Justice Holmes' opinion in *Otis and Gassman v. Parker*, 187 U.S. 606, 609 (1903).

¹⁵ "A great multitude of people are continually talking of the Law of Nature; and then they go on giving you their sentiments about what is right and what is wrong: and these sentiments, you are to understand, are so many chapters and sections of the Law of Nature." *Principles of Morals and Legislation*, c. II, s. XIV, n. 6. In *Works*, I, p. 9.

¹⁶ *Anarchical Fallacies: being an Examination of the Declaration of Rights Issued During the French Revolution*. Article II. In *Works*, II, pp. 500-501.

number—and freedom of contract figures heavily in this ideal system. To be sure, Bentham is far from agreeing with the absolutist philosopher, Thomas Hobbes (1588-1679), to whom “injustice is no other than the not performance of covenant,”¹⁷ and even “covenants entered into by fear . . . are obligatory.”¹⁸ To Bentham a contract is valid only where its observance makes for utility,¹⁹ but he finds utility lacking only in a few cases which correspond very closely to those in which a purported contract is invalid under English common law or equity.²⁰ He does not in so many words approve of securing contractual advantage by the use of economic pressure, but approbation of this procedure is thoroughly in harmony with his general views. Impressed by the tremendous function of capital in modern economic life, he believes that the principal object of law is the security that induces capital investment,²¹ that without security “the only equality that can exist . . . is the equality of misery,”²² and that “the laws, in creating property, have been benefactors to those who remain in their original poverty,” since these latter “participate more or less in the pleasures, advantages, and resources of civilized society: their

¹⁷ *Leviathan*, c. xv, par. 2, p. 74 in Everyman edition.

¹⁸ *Ibid.*, c. xiv, eighth par. from end, p. 72 in Everyman edition.

¹⁹ “To acknowledge that any *one* promise may be void, is to acknowledge that if any *other* is *binding*, it is not merely because it is a promise. That circumstance, then, whatever it be, on which the validity of a promise depends; that circumstance, I say, and not the promise itself, must, it is plain, be the cause of the obligation which a promise is apt in general to carry with it. . . . Now this *other* principle that still recurs upon us, what other can it be than the principle of *UTILITY*?” *A Fragment on Government*, ss. XLVI, XLVIII. In *Works*, I, p. 271.

²⁰ The cases in which the law ought not to sanction exchanges and in which consent in the disposal of services is annulled are listed under the following heads: 1. Undue concealment. 2. Fraud. 3. Undue coercion. 4. Subornation. 5. Erroneous supposition of legal obligation. 6. Erroneous supposition of value. 7. Interdiction-infancy-madness. 8. Things liable to become hurtful by the exchange. 9. Want of right on the part of the collator. *Principles of the Civil Code*, pt. II, c. II, s. 2; and pt. II, c. v, s. 3. In *Works*, I, pp. 331 and 341.

²¹ *Ibid.*, pt. I, c. VII, par. 1; pt. I, c. x, s. 4; and pt. I, c. XI, par. 4. In *Works*, I, pp. 307, 310, and 311-312.

²² *Ibid.*, pt. I, c. VII, par. 1. In *Works*, I, p. 307.

industry and labor place them among the candidates for fortune: they enjoy the pleasures of acquisition; hope mingles with their labors."²³ Although Bentham infinitely prefers legislation to judicial decision, and speaks in terms of utility and not of right, he has much in common with the Supreme Court justices who protect the freedom of contract from legislative interference.

Less systematic, but of fully equal significance, is the discussion of contractual liberty contributed by Bentham's disciple, John Stuart Mill. Mill disapproves of usury laws, since "a person of sane mind, and of the age at which persons are legally competent to conduct their own concerns, must be presumed to be a sufficient guardian of his pecuniary interests,"²⁴ and denounces the classing of women with children in the British factory acts as "indefensible in principle and mischievous in practice."²⁵ He recognizes that "there are matters in which the interference of law is required, not to overrule the judgment of individuals respecting their own interest but to give effect to that judgment."²⁶ But the interference which he advocates is merely the according of legal validity to combination agreements,²⁷ "the persons combining being supposed to be of full age, and not forced or deceived."²⁸ It is upon coöperation between workers and upon the voluntary concessions of employers, especially by way of profit-sharing, that he depends for an improved condition of the laboring classes in the future.²⁹ In the case of Irish cotters, Mill admits that economic necessity has led to the acceptance of oppressively high rent levels, and sees no way of escape through concerted action. But even here he is fearful of legislation prescribing

²³ *Ibid.*, pt. I, c. IX, par. 2. In *Works*, I, p. 309.

²⁴ *Principles of Political Economy*, bk. V, c. X, s. 2, p. 928 in the edition edited by W. J. Ashley.

²⁵ *Ibid.*, bk. V, c. XI, s. 9, p. 955 in Ashley's edition.

²⁶ *Ibid.*, bk. V, c. XI, s. 12, p. 963 in Ashley's edition.

²⁷ *Ibid.*

²⁸ *On Liberty*, c. I, p. 75 in Everyman edition. Cf. *Political Economy*, bk. V, c. X, s. 5, p. 939 in Ashley's edition.

²⁹ *Principles of Political Economy*, bk. IV, c. VII.

terms of tenancy.³⁰ Although he is aware that economic inequality may be somewhat inconsistent with the contractual liberty of the weaker party, he does not regard even extreme poverty as an incapacity analogous to infancy, but advocates freedom of contract subject only to the time-honored restrictions. Not only does he agree with Bentham that contractual liberty of the orthodox type makes for economic progress,³¹ but he pleads for liberty, including liberty of contract, in the interest of the individual citizen's dignity and personality.

His ideal is best expressed in his classic *On Liberty*,³² in which a typical passage reads: "The sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. . . . The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because, in the opinions of others, to do so would be wise, or even right. . . . The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign."³³ This philosophy gives freedom of contract an idealistic turn that makes the doctrine peculiarly persuasive in American ears.

Furthermore, it is to be noted that Mill frequently, as in the above-quoted passage, uses the terms "right" and "rightfully." He expressly disclaims "the idea of abstract right, as a thing independent of utility,"³⁴ and laughs gently at the notion

³⁰ *Ibid.*, bk. II, cc. IX and X.

³¹ See, for example, *On Liberty*, c. V, pp. 150-151 in Everyman edition.

³² This essay is cited by counsel in the argument of *Mugler v. Kansas*, 125 U.S. 623 (1887). *On Liberty* was first published in 1859, whereas *Principles of Political Economy* was first published in 1848.

³³ *On Liberty*, c. I, pp. 72-73 in Everyman edition.

³⁴ *Ibid.*, c. I, p. 74 in Everyman edition.

of natural law,³⁵ but his reader is nevertheless likely to understand Mill's "right" in Locke's sense of the term. This result is the more probable in view of the fact that the utilitarian ideal of freedom is in full accord with the law of freedom of contract as declared in English judicial decisions. It takes very little mysticism to see in this coincidence a sign that freedom of contract exists by virtue of some inherent higher law, and this, in turn, has a constitutional significance in the United States. If the liberty guaranteed in the Fifth and Fourteenth Amendments means anything, surely it must include such a natural liberty as freedom of contract.

This conclusion derives additional weight from the philosophy of Herbert Spencer. Spencer agrees with Bentham and Mill on many points, but differs from them in recognizing a moral sanction higher than any consideration of utility. Whether he bases his argument on an intuitive moral sense, as in his early *Social Statics*,³⁶ or on a purely evolutionary origin of ethics, as in his later *Justice*,³⁷ he preaches the fundamental ethical principle that "Every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man."³⁸ From the law of equal freedom, existing as a right independent of the state,³⁹ is derived the right of free exchange,⁴⁰ and from this in turn is deduced the right of free

³⁵ "The rules which obtain among themselves appear to them self-evident and self-justifying. This all but universal illusion is one of the examples of the magical influence of custom, which is not only, as the proverb says, a second nature, but is continually mistaken for the first." *Ibid.*, c. I, p. 69 in Everyman edition.

³⁶ First published in 1850.

³⁷ First published in 1891.

³⁸ *Social Statics*, c. VI, s. 1. This formula is found with only a slight verbal change in *Justice*, c. VI, s. 27.

³⁹ "Rights, truly so called, originate from the laws of life as carried on in the associated state. The social arrangements cannot create them, but can simply conform to them or not conform to them." *Justice*, c. XXII, s. 98. Cf. *Social Statics*, c. XVIII, s. 1.

⁴⁰ "Furthermore, the right of exchange may be asserted as a direct deduction from the law of equal freedom. For of the two who voluntarily make an exchange, neither assumes greater liberty of action than the other, and fellow men are un-

contract.⁴¹ To Spencer there is no intermediate position between the system of contract (presumably under the limitations imposed by English common law and equity) and a system of status in which each individual "has his appointed place, works under coercive rule, and has his appointed share of food, clothing, and shelter."⁴² Any legislative regulation of contract is a retrogression "from freedom to bondage."⁴³ Spencer would make no distinction between the enactment of the Statute of Laborers by a Parliament representing the landed interests and the enactment of an hours-of-labor law by a legislature elected by universal suffrage. To him, "the liberty which a citizen enjoys is to be measured, not by the nature of the governmental machinery he lives under, whether representative or other, but by the relative paucity of restraints it imposes on him."⁴⁴ Thus the use of economic pressure, permitted under Anglo-American law in the absence of statute, excluded from natural rights by Locke but approved on grounds of utility by Bentham and Mill, becomes for Spencer a natural right by which legislation may be tested. In England the criterion is merely political or "moral," but in the United States it becomes judicial through fusion with the constitutional check of the due process clauses. Of course, "The Fourteenth Amend-

interfered with—remain possessed of just as much liberty of action as before." *Justice*, c. xv, s. 69.

⁴¹ "Of course with the right of free exchange goes the right of free contract; a postponement, now understood, now specified, in the completion of an exchange, serving to turn the one into the other." *Ibid.*, s. 70.

⁴² "The system must be that of *contract* or that of *status*—that in which the individual is left to do the best he can by his spontaneous efforts and get success or failure according to his efficiency, and that in which he has his appointed place, works under coercive rule, and has his appointed share of food, clothing, and shelter." *From Freedom to Bondage*, par. 7. In *Man versus the State*, p. 156 in the American critical edition edited by Truxton Beale. In illustrating his point, Spencer seems to admit that the condition of the enlisted soldier in the English army is not pure status. *Ibid.*, par. 9, p. 157. This surely undermines his absolute antithesis.

⁴³ *From Freedom to Bondage* is the title of the essay from which the preceding quotation is made. See preceding note.

⁴⁴ *The New Toryism*, fifth par. from the end. In *Man versus the State*, p. 26 in the American critical edition.

ment does not enact Mr. Herbert Spencer's *Social Statics*'';⁴⁵ but it is significant that this famous observation was made by Mr. Justice Holmes in the course of a *dissenting* opinion.

This is not to imply that the Supreme Court has consistently protected the freedom of contract from all manner of legislative interference. Even if we confine ourselves to the consideration of employment contracts, as to which judicial disapproval of legislative regulation has been especially pronounced, we find that there are many more decisions upholding than invalidating statutory prescription of contractual terms. The Supreme Court has sustained legislation prescribing the character, methods, and time of payment of wages by requiring the redemption in cash of store orders issued for wages,⁴⁶ prohibiting the graduation of miners' pay according to the weight of coal after screening,⁴⁷ prohibiting the payment of seamen's wages in advance,⁴⁸ and regulating the time when wages shall be paid to employees in certain specified industries;⁴⁹ it has upheld the statutory limitation of hours of labor for women,⁵⁰ and similar limitation for men in particularly injurious occupations,⁵¹ and also in mills and factories where the statute allows a limited overtime, to be paid for at a more than proportionate rate;⁵² it has approved the enlargement of the responsibility of employers to employees by employers'

⁴⁵ *Lochner v. New York*, 198 U.S. 45, 75 (1905).

⁴⁶ *Knoxville Iron Co. v. Harbison*, 183 U.S. 13 (1901); *Dayton Coal and Iron Co. v. Barton*, 183 U.S. 23 (1901); *Keokee Coke Co. v. Taylor*, 234 U.S. 224 (1914).

⁴⁷ *McLean v. Arkansas*, 211 U.S. 539 (1909); *Rail and River Coal Co. v. Ohio Industrial Commission*, 236 U.S. 338 (1915).

⁴⁸ *Patterson v. The Eudora*, 190 U.S. 169 (1903).

⁴⁹ *St. Louis, I. M. & S. Railway Co. v. Paul*, 173 U.S. 404 (1899); *Erie Railway Co. v. Williams*, 233 U.S. 685 (1914); *Strathearn S.S. Co. v. Dillon*, 252 U.S. 348 (1920).

⁵⁰ *Muller v. Oregon*, 208 U.S. 412 (1908); *Riley v. Massachusetts*, 232 U.S. 671 (1914); *Hawley v. Walker*, 232 U.S. 718 (1914); *Miller v. Wilson*, 236 U.S. 373 (1915); *Bosley v. McLaughlin*, 236 U.S. 385 (1915).

⁵¹ *Holden v. Hardy*, 169 U.S. 366 (1898).

⁵² *Bunting v. Oregon*, 243 U.S. 426 (1917).

liability⁵³ and workmen's compensation⁵⁴ legislation, even where the statute prohibits any contractual modification of the standard set by law; and it has sustained the controversial Adamson Law of 1916 which established an eight-hour day for certain classes of employees of interstate carriers and prescribed temporarily a scale of minimum wages with proportionate increases for overtime.⁵⁵

On the other hand, the only labor laws disallowed by the Supreme Court in the interest of freedom of contract⁵⁶ have been a ten-hour law for employees in bakeries and confectioneries,⁵⁷ legislation undertaking to protect trade union members from discrimination by their employers,⁵⁸ the Kansas Industrial Court Act,⁵⁹ and minimum wage legislation.⁶⁰ However, the court has fairly consistently maintained the position that "freedom of contract is . . . the general rule and restraint the exception, and the exercise of legislative authority to abridge it can be justified only by the existence of exceptional circumstances."⁶¹ It is exceedingly rare for a statute to be upheld merely because it is not arbitrary, on the theory that "the liberty of contract guaranteed by the Constitution is freedom from arbitrary restraint,—not immunity from reasonable

⁵³ *Chicago, B. & Q. Railroad Co. v. McGuire*, 219 U.S. 549 (1911); *Second Employers' Liability Cases*, 223 U.S. 1 (1912).

⁵⁴ *New York Central Railroad Co. v. White*, 243 U.S. 188 (1917); *Mountain Timber Co. v. Washington*, 243 U.S. 219 (1917).

⁵⁵ *Wilson v. New*, 243 U.S. 332 (1917).

⁵⁶ The interesting labor legislation case of *Truax v. Corrigan*, 257 U.S. 312 (1921), involves issues of property and equal protection but is not concerned with liberty of contract.

⁵⁷ *Lochner v. New York*, 198 U.S. 45 (1905).

⁵⁸ *Adair v. United States*, 208 U.S. 161 (1908); *Coppage v. Kansas*, 236 U.S. 1 (1915).

⁵⁹ *Wolff Packing Co. v. Kansas Court of Industrial Relations*, 262 U.S. 522 (1923); *Wolff Packing Co. v. Kansas Court of Industrial Relations*, 267 U.S. 552 (1925).

⁶⁰ *Adkins v. Children's Hospital*, 261 U.S. 525 (1923); *Murphy v. Sardell*, 269 U.S. 530 (1925).

⁶¹ *Adkins v. Children's Hospital*, 261 U.S. 525, 546 (1923). Cf. *Wolff Packing Co. v. Kansas Court of Industrial Relations*, 262 U.S. 522, 534 (1923).

regulation to safeguard the public interest.”⁶² The opposing formulas are in the words of Justices Sutherland and Hughes respectively.

A great variety of reasons have been given to support the numerous “exceptions” to the “rule” of freedom. In at least one case the court has attached significance to the likelihood of fraud in the wage practice prohibited by the legislature;⁶³ in others, the legislature’s control over the employment contract has been rested on its reserved power to amend the charter of domestic corporations;⁶⁴ special legislation in the interest of seamen has been sustained as an offset to the seaman’s peculiar subjection during the term of his employment;⁶⁵ the limitation of contractual freedom by employers’ liability legislation has been allowed as a natural corollary of statutory power to change the standard of liability.⁶⁶ Various other decisions have been rested on grounds of a more general nature which call for more extended notice.

When the contested legislation is recognized as designed to protect third persons rather than the contracting parties, the battle is generally won. Certain Supreme Court opinions show clear agreement with John Stuart Mill’s position that “power can be rightfully exercised . . . to prevent harm to others.”⁶⁷ This principle is strikingly applied in the Oregon laundry case (the leading case on the limitation of hours of labor for women) and in the leading workmen’s compensation case. In the former, Mr. Justice Brewer stresses “the influence of vigorous

⁶² *Miller v. Wilson*, 236 U.S. 373, 380 (1915). Substantially the same formula appears in Mr. Justice Hughes’ opinion in *Chicago, B. & Q. Railroad v. McGuire*, 219 U.S. 549, 567 (1911). In *Bunting v. Oregon*, 243 U.S. 426 (1917), there is no explicit formula, but this is another of the few cases in which the Supreme Court has seemed to lay the burden of proof on those attacking the contested labor legislation.

⁶³ *McLean v. Arkansas*, 211 U.S. 539, 550 (1909).

⁶⁴ *St. Louis, I. M. & S. Railway Co. v. Paul*, 173 U.S. 404, 409 (1899); *Erie Railway Co. v. Williams*, 233 U.S. 685, 700-701 (1914).

⁶⁵ *Patterson v. The Eudora*, 190 U.S. 169, 175 (1903).

⁶⁶ *Second Employers’ Liability Cases*, 223 U.S. 1, 52 (1912).

⁶⁷ See *supra*, p. 340, and note 33.

health [of women] upon the future well-being of the race,"⁶⁸ and in the latter Mr. Justice Pitney reasons: "The subject matter in respect of which freedom of contract is restricted is the matter of compensation for human life or limb lost or disability incurred in the course of hazardous employment, and the public has a direct interest in this as affecting the common welfare. . . . It cannot be doubted that the state may prohibit and punish self-maiming and attempts at suicide; . . . and the authority to prohibit contracts made in derogation of a lawfully-established policy of the state respecting compensation for accidental death or disabling personal injury is equally clear."⁶⁹ If injury to others is involved in these situations, it would seem that no contractual relation is immune from legislative attack. Certainly under modern industrial conditions man does not live unto himself alone.

Even more far-reaching in its implications is the premise that a legislature may regulate the terms of a contract where the parties are unequal in bargaining power. It seems that this theory would support any legislation whatsoever, for the very departure of any contractual terms from the standard set by the legislature as fair suggests that the parties are *not* on an equality in their bargaining. Perhaps the Supreme Court has discovered the dangerous potentialities of this formula, for it has not been invoked since 1908. Its most striking application is in *Holden v. Hardy*,⁷⁰ the very first labor case to come before the court (in 1898). Mr. Justice Brown, approving an eight-hour law for miners and employees in smelting plants, observes in this case: "The legislature has also recognized the fact . . . that the proprietors of these establishments and their operatives do not stand upon an equality, and that their interests are, to a certain extent, conflicting. The former naturally desire to obtain as much labor as possible from their em-

⁶⁸ *Muller v. Oregon*, 208 U.S. 412, 422 (1908). This point probably never occurred to Mill, who disapproved labor legislation affecting women. See *supra*, p. 339, and note 25.

⁶⁹ *New York Central Railroad Co. v. White*, 243 U.S. 188, 206-207 (1917).

⁷⁰ 169 U.S. 366 (1898).

• ployees, while the latter are often induced by the fear of discharge to conform to regulations which their judgment, freely exercised, would pronounce to be detrimental to their health or strength. In other words, the proprietors lay down the rules and the laborers are practically constrained to obey them. In such cases self-interest is often an unsafe guide, and the legislature may properly interpose its authority."⁷¹

Similar views of the supreme court of Tennessee are approved by the United States Supreme Court in the leading store order case;⁷² and the limitation of a woman's working hours is upheld in the Oregon laundry case quite as much because "it is still true that in the struggle for subsistence she is not an equal competitor with her brother"⁷³ as because of the effect of her health on future generations.

But the most remarkable excuse of all for making an exception in favor of restraint is found in the famous "Adamson Law" case, *Wilson v. New*.⁷⁴ Chief Justice White emphasizes the interest of the public in continued railroad service,⁷⁵ but clinches his argument for the validity of the law with this amazing observation: "It certainly cannot be said that the act took away from the parties, employers and employees, their private right to contract on the subject of a scale of wages, since the power which the act exerted was only exercised because of the failure of the parties to agree, and the resulting necessity for the lawmaking will to supply the standard rendered necessary by such failure of the parties to exercise their private right."⁷⁶

This cannot be better answered than in the words of Mr. Justice Pitney's dissent: "The right to contract is the right to say by what terms one will be bound. It is of the very essence of the right that the parties may remain in disagreement

⁷¹ *Ibid.*, 397.

⁷² *Knoxville Iron Co. v. Harbison*, 183 U.S. 13, 20-21 (1901).

⁷³ *Muller v. Oregon*, 208 U.S. 412, 422 (1908).

⁷⁴ 243 U.S. 322 (1917).

⁷⁵ *Ibid.*, 347-348, 350-351.

⁷⁶ *Ibid.*, 353.

if either party is not content with any term proposed by the other. A failure to agree is not a waiver but an exercise of the right,—as much so as the making of an agreement.”⁷⁷

To this it is only necessary to add that a deadlock is most likely to occur when the parties are most nearly equal in their bargaining power. The deadlock theory added to the bargaining inequality theory would include within constitutional limits the entire range of legislative interference with private contract.

It is clear from the foregoing that the Supreme Court has repeatedly permitted statutory prescription of contractual terms, and that some of the reasons advanced for its decisions are capable of extension to the point of permitting the complete substitution of status for contract. That they have no such significance is, however, clear upon an examination of the court opinions condemning labor legislation as in violation of constitutional liberty of contract. The decisions invalidating labor laws may be few in number, but it must be remembered that they illustrate “the general rule.”⁷⁸

It was in 1897 that the right of liberty of contract was first derived from the “life, liberty, [and] property” of the Fourteenth Amendment, in the opinion in a well-known insurance case.⁷⁹ Freedom to follow any of the ordinary callings of life is here instanced as an important phase of liberty,⁸⁰ and “the right to make all proper contracts in relation thereto” is deduced from “the privilege of pursuing an ordinary calling or trade, and of acquiring, holding, and selling property.”⁸¹ The reasoning of Mr. Justice Peckham is exactly that of Herbert Spencer. However, the court, speaking by the same justice, departs somewhat from this philosopher’s views when discussing liberty of contract in the labor law case of *Lockner v. New*

⁷⁷ *Ibid.*, 387.

⁷⁸ See *supra*, p. 344, and note 61.

⁷⁹ *Allgeyer v. Louisiana*, 165 U.S. 578 (1897).

⁸⁰ *Ibid.*, 590.

⁸¹ *Ibid.*, 591.

York.⁸² The New York ten-hour law for bakeries and confectioneries is invalidated on the ground that 'statutes of the nature of that under review, limiting the hours in which grown and intelligent men may labor to earn their living, are mere meddlesome interference with the rights of the individual';⁸³ but Mr. Justice Peckham observes that the statute might be saved if there were fair ground . . . to say that there is material danger to the public health or to the health of the employees, if the hours of labor are not curtailed.'⁸⁴ It is most unlikely that Spencer would approve the concessions in this dictum, but the decision itself is clearly in accord with his views. It is in his dissent in this case that Mr. Justice Holmes makes his famous reference to Spencer's *Social Statics*.⁸⁵

Further expositions of liberty of contract are found in the Supreme Court opinions concerned with legislation prohibiting discrimination against union employees and the exaction of undertakings that no union will be joined during the period of employment. In *Adair v. United States*,⁸⁶ involving an act of Congress applicable to interstate railroads, the opinion, instead of merely deciding that the legislation is beyond the scope of the commerce power, opens with an elaborate argument to the effect that the statute is a violation of the Fifth Amendment. Mr. Justice Harlan stresses the legal right of both employer and employee to terminate a contract-at-will at mere caprice, and concludes that "any legislation that disturbs that equality is an arbitrary interference with the liberty of contract which no government can legally justify in a free land."⁸⁷ The assumption of an inherent, if not inalienable, natural right of freedom of contract is hardly weakened by the insistence upon the element of equality in this right.

Even more significant is the opinion of Mr. Justice Pitney

⁸² 198 U.S. 45 (1905).

⁸³ *Ibid.*, 61.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*, 75. See *supra*, p. 343, and note 45.

⁸⁶ 208 U.S. 161 (1908).

⁸⁷ *Ibid.*, 175.

in the subsequent case of *Coppage v. Kansas*,⁸⁸ involving a similar statute enacted by a state. Not only is it pointed out that the use of economic pressure is vitally different from legal duress,⁸⁹ but it is also explained that inequality of bargaining power is a necessary feature of the American constitutional system. This part of the opinion should be quoted in full: "Indeed, a little reflection will show that wherever the right of private property and the right of free contract coexist, each party when contracting is inevitably more or less influenced by the question whether he has much property, or little, or none; for the contract is made to the very end that each may gain something that he needs or desires more urgently than what he proposes to give in exchange. And, since it is self-evident that, unless all things are held in common, some persons must have more property than others, it is from the nature of things impossible to uphold freedom of contract and the right of private property without at the same time recognizing as legitimate those inequalities of fortune that are the necessary result of the exercise of those rights. But the Fourteenth Amendment, in declaring that a state shall not 'deprive any person of life, liberty, or property without due process of law,' gives to each of these an equal sanction: it recognizes 'liberty' and 'property' as coexistent human rights, and debars the states from any unwarrantable interference with either. . . . And since a state may not strike them down directly it is clear that it may not do so indirectly, as by declaring in effect that the public good requires the removal of those inequalities that are but the normal and inevitable result of their exercise, and then invoking the police power in order to remove the inequalities, without other object in view. The police power is broad, and not easily defined, but it cannot be given the wide

⁸⁸ 236 U.S. 1 (1915).

⁸⁹ "But, aside from this matter of pecuniary interest, there is nothing to show that Hodges was subjected to the least pressure or influence, or that he was not a free agent, in all respects competent, and at liberty to choose what was best from the standpoint of his own interests." *Ibid.*, 8-9.

scope that is here asserted for it, without in effect nullifying the constitutional guaranty."⁸⁰

In this admirable philosophical exposition of economic pressure there is no hint of that logical absurdity—an inalienable right of contract—or of any other inalienable right,⁸¹ but there is nevertheless a distinct natural law flavor to the whole. There is much in Mr. Justice Pitney's argument that is reminiscent of both Locke and Spencer, though it will be remembered that Locke explains inequality in possessions on the basis of convention and not of nature.

The Supreme Court opinions in the Kansas Industrial Court cases⁸² revolve about the issue of the interest of the public in compulsory arbitration. The Kansas statute, far more clearly than most labor laws, is designed to prevent the abuse of contractual freedom to the injury of third persons, and most critics would probably see greater public detriment in industrial warfare than in the impaired health of future mothers or in dependence resulting from uncompensated industrial accidents. Yet the Supreme Court, in spite of having upheld the limitation of women's hours and workmen's compensation acts, slights the broader aspects of public policy in the Kansas cases and confines itself to a determination of the narrow issue whether the business of preparing food is "so far affected with a public interest that the state may compel its continuance."⁸³ This question is answered in the negative, and the court proceeds to the unanimous conclusion that there is nothing to

⁸⁰ *Ibid.*, 17-18.

⁸¹ For an instance of insistence upon inalienable rights, see the concurring opinion of Mr. Justice Bradley in *Butchers' Union Co. v. Crescent City Co.*, 111 U.S. 746, 762 (1884). In spite of the justice's surprising reliance upon the Declaration of Independence, this concurring opinion is cited with approval in *Allgeyer v. Louisiana*, 165 U.S. 578, 589-590 (1897), and this in turn is used to support the condemnation of an hours-of-labor law in *Lochner v. New York*, 198 U.S. 45, 53 (1905).

⁸² *Wolff Packing Co. v. Kansas Court of Industrial Relations*, 262 U.S. 522 (1923); *Wolff Packing Co. v. Kansas Court of Industrial Relations*, 267 U.S. 552 (1925).

⁸³ 267 U.S. 552, 567. Cf. 262 U.S. 522, 539.

justify either the fixing of wages⁹⁴ or the prescription of hours or conditions of labor⁹⁵ by the process of compulsory arbitration. The decision is probably influenced by the consideration that employees as well as employers are deprived by the Kansas statute of the possibility of exerting economic pressure to their own advantage; for Chief Justice Taft observes: "The employer is bound by this act to pay the wages fixed, and while the worker is not required to work, at the wages fixed, he is forbidden, on penalty of fine or imprisonment, to strike against them and thus is compelled to give up that means of putting himself on an equality with his employer which action in concert with his fellows gives him."⁹⁶ Although an employee's abstract liberty of contract has been subjected to numerous restrictions in his own interest, his substantial economic advantage from organization is here accorded protection in complete disregard of the consequences to the public of a natural right to strike. Possibly, in spite of the apparent approval of Mill's formula in certain earlier cases, the Supreme Court is today more willing to permit legislative restraint of an individual for his own good than for the sake of preventing harm to others.

But for no purpose may regulation go so far as to substitute status for contract. This is clearly brought out in the opinion in the District of Columbia minimum wage case, *Adkins v. Children's Hospital*,⁹⁷ in which Mr. Justice Sutherland carefully distinguishes minimum wage legislation from other statutes regulating the employment contract, especially from statutes limiting the hours of labor. He says: "The statutes mentioned . . . deal with incidents of the employment having no necessary effect upon the heart of the contract; that is, the amount of wages to be paid and received. A law forbidding work to continue beyond a given number of hours leaves the

⁹⁴ 262 U.S. 522, 544.

⁹⁵ 267 U.S. 552, 569.

⁹⁶ 262 U.S. 522, 540. Cf. 267 U.S. 552, 563-564.

⁹⁷ 261 U.S. 525 (1923).

- parties free to contract about wages and thereby equalize whatever additional burdens may be imposed upon the employer as a result of the restrictions as to hours, by an adjustment in respect of the amount of wages.’⁹⁸

This argument has far more force than is conceded by Mr. Justice Holmes in his dissenting observation that “the bargain is equally affected whichever half [wages or hours] you regulate,”⁹⁹ for minimum wage legislation is being *added* to other statutes of *established constitutionality* limiting the hours and conditions of labor. Thus the legislature is now prescribing substantially *all* the terms of the employment contract, and thus depriving the employer of his usual advantage from superior bargaining power, whereas previous legislation had merely necessitated his seeking that advantage in one direction rather than another. Mr. Justice Holmes is on much stronger ground when he observes: “The statute does not compel anybody to pay anything. It simply forbids employment at rates below those fixed as the minimum requirement of health and right living. It is safe to assume that women will not be employed at even the lowest wages allowed unless they earn them or unless the employer’s business can sustain the burden.”¹⁰⁰

This seems unanswerable, but to Mr. Justice Sutherland it is probably irrelevant. True to the classical economics underlying the philosophy of Bentham, Mill, and Spencer, the last-named justice assumes that there is something ultimate¹⁰¹ in the terms on which an exchange is made in the absence of legis-

⁹⁸ *Ibid.*, 553-554.

⁹⁹ *Ibid.*, 569. In Chief Justice Taft’s dissenting opinion the same point is made in the words, “In absolute freedom of contract the one term is as important as the other, for both enter equally into the consideration given and received, a restriction as to the one is not any greater in essence than the other, and is of the same kind. One is the multiplier and the other the multiplicand.” *Ibid.*, 564.

¹⁰⁰ *Ibid.*, 570.

¹⁰¹ The opinion refers to “the inexorable law that no one can continue indefinitely to take out more than he puts in without ultimately exhausting the supply.” *Ibid.*, 557.

lative coercion.¹⁰² He condemns minimum wage legislation because "the moral requirement implicit in every contract of employment, viz., that the amount to be paid and the service to be rendered shall bear to each other some relation of just equivalence, is completely ignored."¹⁰³ That is, to him any new level of equivalence resulting from the operation of a minimum wage law is unnatural and immoral, and freedom to contract or refuse to contract on that basis is no freedom at all. Mr. Justice Sutherland is a thoroughgoing believer in both the natural and the constitutional right to use economic pressure. And he stands at present as the accredited spokesman of the Supreme Court of the United States.

¹⁰² For an interesting discussion of this problem of the exchange level and of the larger problem of the relation of economic pressure to law, see Professor Robert L. Hale's article, "Coercion and Distribution in a Supposedly Non-Coercive State," in 38 *Political Science Quarterly* 470 (1923).

¹⁰³ 261 U.S. 525, 558.

AMERICAN GOVERNMENT AND POLITICS

Congress, the Foreign Service, and the Department of State. On July 1, 1924, there became effective an act for the reorganization and improvement of the Foreign Service of the United States, popularly known as the Rogers Act, which had been approved on May 24. That act combined the hitherto separate diplomatic and consular services into a single Foreign Service. Admission to the Foreign Service was for the most part to be upon competitive examination, and promotion was to be based upon merit. The act left to the executive the establishment of the system for ascertaining merit.

Pursuant to the Rogers Act, an executive order of June 7, 1924, created a Foreign Service Personnel Board. The composition of the board was slightly changed by an executive order of February 25, 1928, under the terms of which the board was to be composed of three assistant secretaries of state to be designated by the Secretary of State, and three Foreign Service officers. The three Foreign Service officers, representing both the diplomatic and consular branches, were to constitute the executive committee of the board.

Among other things, the Foreign Service Personnel Board was charged with the duty of submitting to the Secretary, when vacancies should arise in the Foreign Service, lists of officers whose records of efficiency entitled them to advancement in the service and who were therefore recommended for promotion. A departmental order directed the executive committee to take possession of all records relating to the personnel of the diplomatic and consular services and to keep the efficiency records of all Foreign Service officers. The order also provided that at least once a year, or whenever the Secretary of State should so instruct, all personnel records, ratings, and accumulated material should be examined impartially by a board of review and a report rendered to the Foreign Service Personnel Board as to the relative standing of officers. The board of review was to consist of five Foreign Service officers of high rank designated for the purpose by the Secretary of State. Under this arrangement, therefore, three Foreign Service officers kept the efficiency records for the service; five other Foreign Service officers reviewed these records and reported on the relative standing of officers; three assistant secretaries of state joined the three

officers first mentioned in making recommendations for promotion based upon the ascertained relative standing.

After a short time, complaints were registered against the operation of the system. Congressmen became interested, and on February 16, 1927, Representative Edwards of Georgia introduced a resolution calling upon the Secretary of State for certain information. The language of the resolution showed that its author believed that officers in the consular branch were being discriminated against in favor of those in the diplomatic branch. In his reply of June 21, 1927, the Secretary stated that prior to the passage of the Rogers Act separate systems of efficiency records were maintained for diplomatic and consular officers. Due to the difficulty of reducing these records to a common denominator, separate records for the two services had been temporarily maintained after the effective date of the Rogers Act. An investigation of the results of the operation of this temporary system revealed an inequitable situation with respect to certain consular officers. The Secretary added that steps had been taken to correct this situation.

On December 17, 1927, Senator Harrison of Mississippi introduced a resolution directing the Committee on Foreign Relations to investigate the operation of the Rogers Act, and particularly the work of the Foreign Service Personnel Board. Without waiting for action on the resolution, the committee directed a sub-committee to conduct an investigation. The sub-committee received testimony in executive session and the record has not been printed; but in the language of the sub-committee's report, adopted by the full committee, "there were intimations of favoritism in plenty" coming from Foreign Service officers whose promotion had not been as rapid as they had expected.

The weight to be given to such intimations is for individual determination. It is only human for officers who have not received promotion to believe themselves the victims of favoritism; and it is possible that some part of the dissatisfaction manifested before the sub-committee was shown by officers who, under any system of ascertaining merit, would not have proved as deserving of promotion as the officers who did receive promotions.

In one respect the committee report is open to question. Figures are introduced to show that certain officers in the lower classes have been in the service for a much longer period than have other officers in higher classes. The fact is that the disparity existed before the Rogers Act was passed, and in many respects that act merely cemented the existing

situation. Thus, diplomatic officers on July 1, 1924, were younger • both in years and in experience than the consular officers with whom they were classed automatically by the Rogers Act. Any investigation of the operation of the Rogers Act which is directed toward a study of the comparative age and experience of officers is misleading if it fails to take this fact into account.

On the basis of its investigation, the committee reported that the system set up by executive and departmental orders operated to place the administration of Foreign Service personnel in the hands of that personnel. According to the committee, the assistant secretaries assigned to the Personnel Board were, of necessity, too much occupied with matters of policy to give adequate attention to the claims which each of the several hundred men in the field might have for promotion. The report recommended that the handling of Foreign Service Personnel be divorced from the personnel itself.

On May 3, 1928, Senator Moses, chairman of the sub-committee which made the investigation, introduced a bill for the amendment of the Rogers Act. The bill passed the Senate, but was not acted upon by the House. In a slightly modified form, it was reintroduced by its author on April 18, 1929, and is now pending. The most important provisions of the present bill relate to the administration of Foreign Service personnel. A Bureau of Personnel, to which Foreign Service officers may not be appointed, is to be established under the supervision of an additional assistant secretary of state. Efficiency records are to be kept by this bureau, but for their accuracy and impartiality the supervising assistant secretary is to be solely responsible. A broadening of the scope of the record upon which merit is ascertained is clearly intended by the bill. The Bureau of Personnel is charged with the preparation annually of a list of all Foreign Service officers graded according to their relative efficiency, the list to show which officers are recommended for promotion. Before becoming effective in so far as it affects promotions, the list must receive the approval of a board of selection for Foreign Service officers, composed of the assistant secretary as chairman, one member of the personnel office, the legal adviser, and two other competent persons to be appointed annually by the Secretary of State, not more than one of whom may be a Foreign Service officer.

In the House, Representative Edith Rogers introduced a bill which also had as its primary purpose the setting up of a new system of personnel administration. While there is a considerable difference in the

language of the Moses and Rogers bills, their common intent was to destroy the existing system of personnel administration and to substitute for it one in which Foreign Service officers should have no part. The Rogers bill was not reported from committee, and it died with the end of the Seventieth Congress. To date, it has not been re-introduced.

Obviously, a situation had arisen in which the existing system of personnel administration was under attack. Such a situation inevitably restricted the usefulness of the existing machinery. The board of review was abolished by a departmental order of August 11, 1928, which transferred its functions to the Personnel Board. Not only had the board of review been the subject of attack; the need for a separate body to perform those functions which had been entrusted to it was debatable, and bringing five officers into the department to serve on the board was a drain upon the higher classes of the service and upon the funds available for transportation. On September 11, 1929, the President issued an executive order reconstituting the Foreign Service Personnel Board and abolishing the executive committee. Since September 16, 1929, the only members of the Personnel Board have been three assistant secretaries of state. The executive order also provides for a Division of Foreign Service Personnel, to which are to be attached not more than three personnel officers, at least one of whom shall be a Foreign Service officer of high rank to be chosen by the Secretary upon the recommendation of the Personnel Board. A departmental order amplifying the executive order was signed on December 30, 1929.¹

¹ This order defines the duties of the division as follows: "(1) To maintain contact with Foreign Service officers and employees while on visits to the United States; (2) to discuss with Foreign Service officers ways for the development and improvement of their work; (3) to confer with the geographical divisions of the Department concerning the work of Foreign Service officers; (4) to interview applicants and prospective applicants for the Foreign Service; (5) to examine and recommend for appointment applicants for positions as subordinate employees in the Foreign Service; (6) to collect, collate, and record pertinent data relating to Foreign Service personnel; (7) to keep the efficiency records of all Foreign Service officers and employees; (8) to hold strictly confidential all personnel records of the Foreign Service, and to reveal no papers, documents, data, or reports relating thereto, except to the Secretary of State and to the members of the Personnel Board; (9) to keep the records of the board of examiners for the Foreign Service and attend to all details connected with the holding of examinations for the Foreign Service; (10) to submit recommendations on all matters within the

The problem of accurately determining relative merit presents many • difficulties. Functions performed by Foreign Service officers are exceedingly diverse. The geographical extent of the service and the wide variations in the conditions under which officers perform their duties contribute to the difficulty of ranking them in the order of merit. It would be almost inconceivable that the first agency instituted to ascertain relative merit in the combined diplomatic and consular services should have hit upon a perfect plan. It is to be hoped that the new Division of Foreign Service Personnel, acting under the direction of the Personnel Board, will see fit to review the system of efficiency records now used with a view to determining whether it accurately reflects comparative merit throughout the service. There are two aspects which stand out as challenging the attention of the new division. The first is the comparative rapidity of promotion of diplomatic as opposed to consular officers; the second is the comparative rapidity of promotion of Foreign Service officers who have served or are serving in the Department as opposed to those who have not had such service.

Although it is probable that the preponderance of diplomatic promotions has been exaggerated, it is true that there has been a somewhat greater percentage of promotions on the diplomatic than on the consular side. The facts appear to be about as follows. Through December 1, 1929, the 287 consular officers who had been assigned to Classes II-VIII on July 1, 1924, and who were still in the service, had received a total of 275 promotions, while the 72 comparable diplomatic officers had received 79 promotions.

The reason for the greater number of diplomatic promotions may possibly be that the system of efficiency records in its present stage of development has tended to favor the diplomatic officers. There are fewer officers on the diplomatic side; they are stationed at posts which come most directly under the observation of the personnel officers; their work is of such a character as to attract more frequent attention. This is true particularly of the diplomatic officers in the upper classes, where the preponderance of diplomatic promotions is most evident. The possibility that the system hitherto used to determine relative merit operates to the disadvantage of consular officers should be considered by the new personnel administration.

authority of the Personnel Board; (11) to attend, through the personnel officers assigned to the division, the meetings of the Personnel Board when so directed."

The second aspect mentioned above has resulted from the needs of the Department of State. The Rogers Act contemplated the detail to the Department from time to time of Foreign Service officers who would give to it the benefit of their experience and counsel. Due to a shortage in the Department's personnel, it has been necessary to bring into the Department many more Foreign Service officers than the act contemplated. Naturally, the executive committee could more easily estimate the work of officers serving in the Department than the work of the officers in the field. An undue prominence of the service of the former group may have resulted, which in its turn might account for the fact that there has been a proportionately larger number of promotions of men with Department service than of men without such service. If this be the case, it would be well for the new personnel administration to be on guard against the inevitable tendency to give undue prominence to the efficiency records of men with Department service.

This particular problem may be largely solved if the increased appropriations requested by the Secretary and approved by the Bureau of the Budget and the President are granted by Congress. When the State Department is provided with enough officers to discharge its functions, a large number of Foreign Service officers who have been detailed to the Department can be returned to the field; and the situation will tend to correct itself.

The new system of personnel administration began functioning in an atmosphere clouded by suspicion. The feeling which had been aroused was probably sufficient to cause some persons to question the integrity of any system that might be set up. In its very nature, the problem confronting the Division of Foreign Service Personnel is one which requires time for its solution. Meanwhile the division is entitled to the presumption that it will efficiently perform the duties with which it is charged.

The estimates for 1931 provide for 67 new officers and for promotions for 178 officers. The promotions will give the new personnel system its first severe test. Prior to July 1 of the present year, the Division of Personnel should be able to review the whole of the personnel record. Such a review will serve to allay suspicions regarding personnel administration; it will give the division an excellent background for its future work; it will make possible the correction of any injustice which may have been done; and it will assist the division in deciding whether

- the present system of determining merit should be continued—a matter of fundamental importance.

The problem of personnel administration in the Foreign Service appears to be on the way to solution. Probably the new system is not perfect; further changes may prove necessary. It does have the advantage of having been set up under executive and departmental orders; and defects which may appear can be corrected by similar orders. If a system of personnel administration is established by legislative provision, difficulties which may appear in practice can be cured only by later legislation, the obtaining of which may be a tedious process. It would seem to be the wiser part for Congress to withhold its hand at this time in order that the new system may have a chance to prove its merits. To that end it is believed that those portions of the bills sponsored by Senator Moses and Mrs. Rogers which set up a system of foreign service personnel administration should be deleted; though it is to be hoped that other provisions of those bills which would operate to strengthen the service will find their way into the law.

It is easy for a professor of political science to point out to his class that there are two major divisions of the work of the Secretary of State; that while the Secretary is responsible for policy, he is also responsible for the administration of the Department over which he presides. It is more difficult for the Secretary to determine how he shall divide his time, attention, and energy between the two. To most men the policy phase is the more attractive; and it has been charged that some recent secretaries of state have been too much immersed in policy to be able to devote much attention to the needs of the Department. To this has been attributed in large part the unsatisfactory position in which the Department has been placed.

The conditions themselves are fairly well known. There has been an insufficient number of officers in the Department; such as there are have been poorly paid; and the turnover has been large. A picture of the situation may be drawn from the fact that if Congress approves the 1931 estimates, forty Foreign Service officers will be sent back to the field. These officers were brought into the Department to do the work which should have been done by officers of the Department—officers who were non-existent because of a lack of appropriations. The result was unfortunate both for the Foreign Service and for the Department. Some consular offices were closed, some were left in charge of vice consuls or clerks, some were operating with an insufficient personnel;

some legations were deprived of secretaries—all in order that the Department might be able to carry on its work.

From the standpoint of the Department the situation was almost as bad. To do an ever-increasing amount of work it had a small personnel, which appropriations would not permit it to increase adequately and at times required that it decrease. Foreign Service officers were drawn from the field to do work which had to be done. But the requirements of the field, and the limitation imposed by the Rogers Act upon the length of time a Foreign Service officer might remain in the Department, caused a continual change in this group of officers.

Salaries in the Department have consistently been lower than those in the Foreign Service. State Department officers have had the doubtful pleasure of seeing higher salaried Foreign Service officers engaged in less important work, or in extreme cases of having them as assistants. Absolutely, as well as relative to the Foreign Service, salaries in the Department, considering positions and not persons, have been too low. A comparison of the salaries paid with the importance of the work to be done and the responsibility imposed upon, and the qualifications which should be required of, the men who do it will demonstrate this. With too few officers, and those underpaid, it is no occasion for surprise that the turnover has been large.

That a country as wealthy as the United States, with a foreign office whose income from fees is almost as large as its disbursements, should understaff and underpay the department which is largely responsible for the success or failure of its foreign relations is an obvious matter for criticism. As the secretary receives credit for the success of the department which he heads, so must he assume responsibility when the conditions under which it works are unsatisfactory.

For several years estimates of appropriations were prepared with more stress on the economy enjoined by the White House than on the needs of a department and a foreign service whose duties were increasing by leaps and bounds. Estimates were prepared with a view to the minimum amounts needed to permit the Department to function, rather than with a view to the amounts needed to permit it to function with greatest efficiency. The estimates were then sent to the Director of the Budget, whose attitude, in some cases at least, appeared to be that the fact that the Department requested a particular amount was sufficient justification for reducing it. State Department officials revealed in reply to questions by appropriation committees that they

- could not understand how the Director arrived at the sums incorporated in the budget transmitted to Congress.

With estimates pared to the bone before they left the Department, it would appear that the responsible head of the Department should have known the reason for every reduction in the estimates. The Department's budget is handled very efficiently by an assistant secretary of state, of whom it was said on the floor of the House that there is no abler man in government service. But an assistant secretary cannot have the prestige or the close contact with the President which is naturally the lot of the Secretary. The Secretary's responsibility for the successful conduct of foreign relations should have made him take up with the President the plight in which the Department was being placed because of lack of adequate appropriations.

The situation has been changed recently. There is a new administration and a new atmosphere. Apparently the Department is to be judged on its ability to produce results rather than to reduce expenditures. The new Secretary of State appears to have seen the importance of his duties as head of the department which is charged with the conduct of foreign relations. The departmental estimates for 1931 indicate that they were prepared with a view to the real needs of the service. For the first time in the history of the budget, the Secretary of State appeared before the Bureau of the Budget to defend his estimates. The result has been an increase of over two and three-quarters millions of dollars in the estimates for the Department and the Foreign Service as compared with the appropriations for the current fiscal year. The increase can be defended easily, and since Congress within recent years has been quick to see the needs of the Department as portrayed by the estimates, it seems probable that the increase will be granted.

The Secretary's task is well begun, but only begun. In spending the additional funds which it is to be hoped that Congress will grant, he will be confronted with the Classification Act of 1923 and the action of the Personnel Classification Board under it. There is a very real question whether the act properly should apply to the officers of the State Department, in view of the character of their duties. There is a second question whether the Classification Board in applying the act has properly allocated the positions in the Department. These questions are not new. They are at the basis of the bill which was introduced in the House on April 19, 1928, and reintroduced on April 15, 1929, by Repre-

sentative Stephen G. Porter, chairman of the Committee on Foreign Affairs. That bill provides for the organization of officers and employees of the Department employed at Washington into the Home Service of the Department of State. These officers are to be grouped into seven classes, with salaries ranging from \$9,000 for officers in Class I to \$3,000 for those in Class VII. The administration of Foreign Service and Home Service personnel is to be vested exclusively in an assistant secretary of state who has not been a Foreign Service officer within seven years next preceding his appointment.

With the large number of officers to be added to the State Department personnel in the event that the increased estimates are granted, the time seems ripe for a thorough investigation of the operation of the Personnel Classification Act in the Department of State. Legislation on the subject may take some time. Meanwhile funds will be available for increases in salaries and the addition of new officers. While an exceptionally large number of promotions and new appointments will probably be made during the next fiscal year, the personnel problem is a continuing one and should be considered as such. So far as an outsider can tell, at the present time it is impossible to place responsibility for either appointments or promotions. And as for separations from the Department as a disciplinary measure or as the natural consequence of poor work, there are none. Merit and efficient service should be assured a reward; but just as surely, lack of ability and absence of diligence should be punished, with separation from the Department as the certain fate of the man who persistently fails to carry his share of the load.

It may be said that these statements are so obvious as to be axiomatic. But their application is difficult at best, and almost impossible where responsibility cannot be traced. Nearly all of the Department's work involves the coöperation of several divisions; there is a joint responsibility for the quality of the output. At present there is no effective check upon the contribution of each participant. To establish such a check, to insure fairness as between individuals in the rating of work, to obtain the fullest harmony among the several divisions—in short, to utilize the personnel of the Department to the fullest and fairest extent—would seem to require a much greater degree of centralization than can be found at the present time. Adequate appropriations will not necessarily insure an adequate personnel. With Congress supplying the money, we may fairly expect the Department to do its part

- by using that money to give to the country a foreign office manned by competent persons whose qualifications meet the demands of their positions.

With due appreciation of the importance of the things which the Secretary has accomplished, it is submitted that the most difficult part of his task lies ahead of him. A proper expenditure of the increased funds will benefit the Department and the country as a whole in the more effective conduct of foreign relations; but an improper expenditure can do incalculable harm.

The easiest disposition of the funds available for increases in salary would be to make horizontal increases. But such a step would be decidedly unfortunate. The Department has not offered as attractive a career in the past as it now begins to promise. Competition for positions has not been so keen as it should have been. There may be men in the Department's service who would not have been acceptable to the Department had a larger range of choice been available. Discrimination should be used in the making of promotions; for promotions in some cases may result not only in the retention of undesirable men, but also in the eventual placing of mediocrity or worse in high places where it will take its toll through its own shortcomings and in driving from the Department's service newer, more able, and better qualified men who refuse to serve it. The qualifications and work of every man in the Department should be carefully studied before promotions are made.

The problem with respect to additions to personnel is akin to that of promotions. There is the possibility of bringing in a group of men who will improve the caliber of the work of the Department over a long period to come. But there is also the possibility of filling the Department with poor material which will block its progress until nature eventually removes them from the scene. It is conceivable that some Foreign Service officers now detailed to the Department will desire to be transferred permanently to the Department. Qualifications for Department service are not identical with those for the Foreign Service. The fact that a man passed a Foreign Service examination is not necessarily a guaranty that he can serve effectively in the Department. The application of a Foreign Service officer should be considered exactly as other applications, and such an officer should be appointed to the Department only if it is clear that he is the best man the Department can get for the position. Every applicant should be carefully studied, not only for his qualifications for the job at hand, but for his

place in the scheme ten or twenty years from now. If the recent past is any indication of the future, in a quarter of a century or thereabouts the Department of State may be the principal foreign office in the world, and at the same time the principal target for adverse criticism from all parts of the globe. Its leaders should be the best the country affords; it may be that they will be the men whom Secretary Stimson appoints under the 1931 estimates. The Secretary's responsibility is enormous. His task will not be made lighter by the pressure which will undoubtedly be brought to bear on him by the political spoilsmen. Selecting forty or more permanent officers for the Department will be a slow process. Choosing them wisely will probably be the greatest contribution the Secretary can make to the success of his country's foreign relations; and it will be one equalling that made by any of his predecessors.

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LEGISLATIVE NOTES AND REVIEWS

EDITED BY CLYDE L. KING

University of Pennsylvania

State Constitutional Development Through Amendment, 1929.

In 1929 an unusually small number of states amended their fundamental law, especially as contrasted with 1928, when eighteen states amended their constitutions.¹ All of the five states of the 1929 group lie in the eastern half of the country. In continuance of previous practice in these notes, the constitutional changes made are here treated by states rather than by subject matter; and the effect of each amendment upon the relevant earlier section of the constitution is indicated where not otherwise obvious.

New York. All five amendments proposed were adopted. One of these gives a preference in appointment and promotion in the civil service of the state to honorably discharged soldiers, sailors, marines, or nurses of the army, navy, or marine corps of the United States, who have an existing disability received in the performance of duty in any war and who were at the time of their entry and at the time of service, and still are, citizens and residents of New York State.² Article 5, Section 6, of the constitution is thereby amended by broadening the preference which formerly was extended only to honorably discharged soldiers and sailors of the Civil War. A second amendment permits the legislature to add to those classes of persons who may vote by absentee ballot (Article 2, Section 1a) any inmates of the United States veterans' bureau hospitals.³ Article 7, Section 3, is expanded to permit the state to contract debts to suppress forest fires without submitting the question of the debt to a vote of the people.⁴ The other purposes for which debts may be contracted without submission are to repel invasion, suppress insurrection, and defend the state in time of war.

In the interest of home rule in Westchester and Nassau counties, in the vicinity of the city of New York, Article 3, Section 26, has been

¹ In 1927, seven states amended their constitutions.

² Yes, 1,071,517; No, 404,454.

³ Yes, 1,119,164; No, 256,664.

⁴ Yes, 959,454; No, 313,512.

altered to limit the power of the legislature with respect to laws affecting those counties. All such laws which have to do with the creation or abolition of elective offices in those counties, the method of removal of elective officers, the reduction of salaries or changes of terms of office of elective officers during their terms, or which abolish, transfer, or curtail any of their powers, or change their voting or veto powers, or laws which affect the form or composition of a legislative body, or provide a new charter for the county, are to be effective only upon approval by the electors of the particular county. All other special or local laws affecting these counties, after passage by the legislature, must be transmitted to the clerk of the governing elective body of the county affected, to be approved or disapproved by such body after public hearing, and by the executive head of the county if there be one. Any such bill is to be returned within fifteen days to the clerk of the house from which it was sent, or to the governor if the legislative session has terminated, stating whether the county has or has not accepted it. No bill may take effect until sixty days after approval by the governor or adoption by the legislature over the governor's veto; or until approved by the electors of the county, if within sixty days a petition protesting against such bill be filed with the county clerk by electors numbering five per cent of the votes cast in the county at the last election for governor. If during a legislative session a bill is returned to the legislature without acceptance by the county, or is not returned within fifteen days, it may again be passed by the legislature and acted upon by the governor. But it may not take effect unless and until adopted and approved by the electors of the county.⁵

Article 6, Section 17, was changed by the addition of a few lines, in order to permit the legislature to transfer jurisdiction in criminal matters from justices of the peace to inferior local courts of criminal jurisdiction, the territorial jurisdiction of which (outside of cities) may be defined by the respective boards of advisors.⁶

Maine. The second largest group of constitutional amendments is found in this state. The executive council of seven persons provided to advise the governor is to be chosen biennially instead of annually as provided in Article 5, Part 2, Section 2. The manner of filling vacancies in the council has been changed, in that the governor, with the advice and consent of the council, shall, within thirty days from the

⁵ Yes, 818, 497; No, 327,904.

⁶ Yes, 889, 689; No, 312,622.

creation of said vacancy, appoint a councillor from the same district in which the vacancy occurred. The oath of office is to be administered by the governor. The councillor thus appointed shall hold office until the next convening of the legislature, with the limitation that no more than one councillor shall be elected or appointed from any state senatorial district. These officers are privileged from arrest as are members of the state legislature.⁷ Another amendment (to Article 9, Section 17) authorized an increase in the amount of bonds which might be issued by the state in order to facilitate the building of a highway bridge across the Penobscot River from either the town of Prospect or the town of Stockton Springs to either the town of Bucksport or the town of Verona.⁸ The same article and section of the constitution is further amended to provide for an increase in the amount of state bonds to be issued to finance the building of state highways and intrastate, interstate, and international bridges.⁹

Delaware. The general assembly has been authorized to empower municipal corporations, other than counties, to adopt zoning ordinances (thereby adding to Article 2, Section 25). These ordinances may regulate, in specified districts, buildings and structures and the nature and extent of their use.

Ohio. Article 12, Section 3, of the constitution has been repealed and Section 2 amended in large part. No property, taxed according to value, may be so taxed, for all state and local purposes, in excess of one and one-half per cent of its true value. But laws may be passed authorizing additional taxes to be levied outside of such limitation, either when approved by at least a majority of the electors of the taxing district voting on such proposition, or when provided for by the charter of a municipal corporation. Land and improvements thereon are to be taxed by uniform rule according to value. All bonds outstanding on the first day of January, 1913, whether of the state of Ohio or of any city, village, hamlet, county, or township in the state, or which have been issued in behalf of public schools of Ohio and the means of instruction in connection therewith, and all bonds issued for the World War compensation fund, are to be exempt from taxation; and, without limiting the general power, subject to the provisions of Article 1 of the constitution, to determine the subjects and methods of taxation or exemptions

⁷ Yes, 62,108; No, 32,622.

⁸ Yes, 58,107; No, 43,919.

⁹ Yes, 58,666; No, 43,252.

therefrom, general laws may be passed to exempt burying grounds, public school houses, houses used exclusively for public worship, institutions used exclusively for charitable purposes, and public property used exclusively for any public purpose. But all such laws are to be subject to alteration or repeal; and the value of all property so exempted shall, from time to time, be ascertained and published as may be directed by law.¹⁰

Wisconsin. Article 4, Section 21, of the constitution, authorizing legislative salaries of \$500 and travel allowance of ten cents per mile, has been repealed.¹¹ Denial of the right of sheriffs to succeed themselves for two years next succeeding the termination of their offices (Article 6, Section 4) is modified by an amendment providing that sheriffs shall not serve more than two terms, or parts thereof, in succession.¹² These amendments were passed by two successive legislatures and separately submitted to popular approval in April, 1929.

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Direct Primary Legislation in 1928-29.¹ The primary election legislation of the past two years includes two enactments of outstanding importance: the repeal of the famous Richards law in South Dakota and the return to the convention method of making state-wide nominations in Indiana.

The Richards law was unique in its emphasis upon policies, its frank recognition of factions within the party, and its attempt to impose legal responsibility upon these groups, just as the earlier direct primary laws attempted to impose it upon the party itself.² The repeal of so

¹⁰ Yes, 710,538; No, 510,874.

¹¹ Yes, 237,250; No, 212,846.

¹² Yes, 259,881; No, 210,964.

¹ Legislation governing registration, absent voting, and corrupt practices is not included in this summary unless it relates exclusively to primary elections. Every legislature except that of Alabama was in regular session in either or both of the years 1928 and 1929. Kentucky, Louisiana, Mississippi, and Virginia held sessions in 1928 only; Arizona, Arkansas, California, Illinois, Iowa, Kansas, Massachusetts, Nevada, New Jersey, New York, Rhode Island, South Carolina, and Wisconsin held regular or special sessions in both 1928 and 1929; while in the remaining thirty states the legislatures were in session in 1929 only. The session laws of Washington were not available at the time this note was prepared and the legislation of that state is not included.

² For an excellent analysis of this law, see C. A. Berdahl, "The Richards Pri-

novel and far-reaching a piece of nominating machinery will be regretted by all who are interested in experimental politics.³ They may however, gain some comfort from the fact that the new Slocum law has several interesting features. It provides a "short ballot," the only state-wide nominations made by direct vote being those for United States senator, representative in Congress, and governor.⁴ Nominations to all other state-wide offices, including lieutenant-governor, attorney-general, secretary of state, auditor, treasurer, and superintendent of public instruction, are made by state convention.⁵ If no candidate for nomination for senator, representative in Congress, or governor receives 35 per cent of the votes cast for the office, the state convention is empowered to select the nominee from among the candidates in the primary.⁶ This provision, exactly like that in the present Iowa law, may result in all state-wide nominations being made by the convention. Nominations for members of the state legislature and county offices are made by direct primary, but the candidate receiving the highest vote is always the nominee.⁷

In the composition of the state convention the Slocum law has borrowed from the Richards law. Each county is entitled to three delegates, but in voting in the convention each delegate casts one-third of the votes cast in his county at the last general election for governor. No proxies are allowed, and delegates present are entitled to cast the full vote of their county. In adopting the platform, each plank must be voted upon separately.⁸ Delegates to the convention receive an allowance of five cents per mile.¹⁰

mary," in this *Review*, vol. 14 (Feb., 1920), p. 93; *ibid.*, "The Operation of the Richards Primary," in *Annals of Amer. Acad.*, vol. 106 (March, 1923), p. 158.

³ The Republican state platform of 1928 was opposed to the Richards law, and its repeal was urged by Governor Bulow (Democrat) in 1929. Efforts to invoke the referendum on the repeal were unsuccessful. The writer is indebted to Professor C. A. Berdahl for this information. For a discussion of the repeal of the Richards law and of the nature of the new Slocum law, see his article, "New South Dakota Primary Law Applies Short Ballot Doctrine," *Nat. Munic. Rev.* vol. 19 (May, 1930), p. 235.

⁴ *Laws of South Dakota*, 1929, ch. 118, sec. 2, p. 125.

⁵ *Ibid.*, sec. 55, p. 140.

⁶ *Ibid.*, sec. 39, p. 137.

⁷ *Ibid.*, secs. 2, p. 125 and 39, p. 137.

⁸ *Ibid.*, sec. 55, p. 140.

⁹ *Idem.*

¹⁰ *Idem.*

The date of the South Dakota primary is now the first Tuesday in May.¹¹ Names are placed upon the ballot as the result of a petition, signed by from two to five per cent of the qualified voters, accompanied by a declaration on the part of the candidate,¹² and are arranged by lot.¹³ In case a candidate for a nomination has no opposition, he automatically becomes the nominee of the party.¹⁴ The primary is tightly closed. There is provision for a party enrollment which stands until changed by the voter, and the voter is entitled only to the ballot of the party with which he is registered.¹⁵ In addition, he may be challenged and required to swear "that he is in good faith a member of the party and a believer in its principles as declared in the last preceding national and state platforms."¹⁶

The presidential primary provided for in the Slocum law should operate most effectively. Voting is for delegates only, and all delegates are elected at large. The law, however, has adopted the California plan of requiring delegates to be grouped under the name of their choice for president, with the stipulation that they be voted for as a group.¹⁷ Petitions to place the names of delegates upon the ballot must include an indorsement by the presidential candidate for whom they have expressed a preference, or by some one acting under authority from him,¹⁸ but provision is made for a "no preference" column.¹⁹ It is evident that the new law is admirably designed to secure the harmony between the preferences of the delegates and the popular preference for president which is so essential if the voters are to exert any real control over their delegates in the national convention.²⁰

There is nothing in the new Indiana law to commend it to direct primary enthusiasts. For years the direct primary of that state has been a point of attack by those who favor a return to the convention system,

¹¹ *Ibid.*, sec. 20, p. 131. Before 1927, the primary was held in March; in that year the date was changed to the fourth Tuesday in May.

¹² *Ibid.*, secs. 4 and 5, pp. 125-6.

¹³ *Ibid.*, sec. 8, p. 127.

¹⁴ *Idem.*

¹⁵ *Ibid.*, sec. 18, p. 131.

¹⁶ *Ibid.*, sec. 30, p. 134.

¹⁷ *Ibid.*, secs. 6 and 9, pp. 126-9.

¹⁸ *Idem.*

¹⁹ *Idem.*

²⁰ See Overacker, *The Presidential Primary*, chs. 6, 7, and 12, for a fuller discussion of this question.

- and the new law is generally conceded to be a victory for them. The
- Indiana League of Women Voters rose to the defense of the direct primary, but with the passage of its registration law the major issue of the session, and without the aid of ex-Senator Beveridge, it was unable to muster sufficient strength to save the law from emasculation.²¹

It must be admitted that the old Indiana law was too much of a hybrid to be a real direct primary measure. Only congressmen, members of the state legislature, local officers, and delegates to state conventions were nominated *directly*. In addition, there was a preference vote for president, governor, and United States senator which became binding if any candidate received a majority. The state convention retained the power to choose delegates to the national convention and to nominate to all other elective state offices. In case no candidate for president, senator, or governor secured a majority of the preference vote, nominations to these offices also were made by the state convention.²² The 1929 amendments eliminate the preference vote, giving the state convention complete control of all state-wide nominations and retaining the direct primary for representatives in Congress, members of the state legislature, and local offices only.²³ Thus Indiana, like New York and Idaho, has removed the most interesting and conspicuous offices from the direct control of the voter and has left him in possession of a field where, in view of the multiplicity of offices, no nominating system can be expected to operate effectively.²⁴ If there is to be a division of offices between the direct primary and the convention, the basis of division in the South Dakota law would seem to be a much more desirable one.

The effect of these Indiana amendments is to eliminate the presidential primary. There is no longer a preference vote for president, and from now on the state convention will not only select the delegates

²¹ The writer is indebted to the officers of the Indiana League of Women Voters for this information. The League succeeded in getting its registration law through both houses of the legislature, only to have the governor pocket veto it. The death of ex-Senator Beveridge was a great loss to direct primary supporters in Indiana.

²² For a summary of the law, see Merriam and Overacker, *Primary Elections*, pp. 370-1.

²³ *Laws of Indiana*, 1929, ch. 68, p. 223.

²⁴ Idaho repealed its direct primary for state-wide and congressional offices in 1919, and in 1921 New York repealed the direct primary so far as state-wide offices were concerned.

to the national convention but instruct them or not as it may choose.²⁵

Ohio has codified and revised its entire election law without making any radical changes in the salient features of its nominating system.²⁶ Maryland has created a joint legislative commission of nine to examine all laws relating to elections and to recommend "such eliminations from, additions to, and modification of the existing laws as said commission may deem desirable."²⁷ The report is to be submitted in January, 1931. In Pennsylvania, the election law commission created in 1927 has been authorized to continue its work until 1931. It was organized to "codify, amend, and revise the election and primary election laws."²⁸ Whether any sweeping changes will follow the recommendations of these committees remains to be seen.

In addition to the comprehensive changes cited above, there has been the usual amount of tinkering with the details of the nominating process. A few amendments relate to the presidential primary. In 1928, Massachusetts provided for a presidential preference vote, applicable to that year only.²⁹ It will be remembered that after the Republican presidential primary of 1912, in which the state at large endorsed Taft in the preference vote and elected delegates who were for Roosevelt, the Massachusetts legislature eliminated the preference vote. Since that time voting has been confined to delegates at large and district delegates whose names may be grouped under the name of their preferences for president.³⁰ As the 1928 primaries approached, there was some grumbling among Republicans because no preference vote was possible. In March, Governor Fuller sent a special message to the legislature suggesting that provision be made for such a vote, and the bill was speedily passed.³¹ It required the voter to insert the name of his preference for president in a blank provided for that purpose. The preference vote was of no great significance, and there has been no attempt to make it a permanent part of the law.

Ohio has shifted the date of its presidential primary from the last Tuesday in April to the second Tuesday in May, and has provided

²⁵ *Laws of Indiana*, 1929, ch. 68, p. 223.

²⁶ *Legislative Acts of the State of Ohio*, 1929, p. 307.

²⁷ *Laws of the State of Maryland*, 1929, p. 1425.

²⁸ *Laws of the Commonwealth of Pennsylvania*, 1929, no. 530, p. 1672.

²⁹ *Acts and Resolves of Massachusetts*, 1928, ch. 158, p. 183.

³⁰ *Acts and Resolves of Massachusetts*, 1913, ch. 835.

³¹ *Boston Herald*, March 24, 1928, p. 1.

that the state and presidential primaries be held jointly in presidential years.³² The separate ballot for the preference vote has been eliminated, and henceforth names of candidates for presidential preference, delegate to the national convention, and state offices will all appear on one ballot.³³

A candidate for presidential or vice-presidential preference in Oregon who files a personal declaration instead of a petition must, in the future, accompany his declaration with a statement signed by the chairman and secretary of the state committee of his party indicating that his candidacy "is advocated generally throughout the United States."³⁴ This measure was designed to keep the names of local notoriety-seekers off the ballot.

Although Indiana is the only state which has removed any state-wide nominations from the operation of the direct primary, several states have altered the applicability of the primary to local offices. Illinois has removed park commissionerships and some city and township offices from the scope of the direct primary.³⁵ On the other hand, the direct primary was applied to nominations in particular cities, towns, or counties in Georgia, North Carolina, South Carolina, and Massachusetts;³⁶ and Rhode Island extended her caucus law to the town of Cumberland.³⁷

South Carolina is using the primary to ascertain popular preferences for certain appointive positions in a way reminiscent of the "postmaster primary" provided for in the original Richards law in South Dakota. Henceforth the game warden of Anderson county is to be nominated at the primary, and it is made the duty of the legislative delegation from the county to recommend to the governor the person so nominated.³⁸ The road commissioner of Horry county is

³² *Legislative Acts of Ohio*, 1929, p. 337, sec. 4785:67.

³³ *Ibid.*, pp. 341-43, secs. 4785:75-77.

³⁴ *General Laws of Oregon*, 1929, ch. 143, p. 121.

³⁵ *Laws of Illinois*, 1929, H.B. no. 24, 290, and 775, pp. 412-13.

³⁶ *Acts and Resolutions of Georgia*, 1929, no. 174, p. 576 (Clinch county); *Public Laws and Resolutions of North Carolina*, 1929, ch. 70, p. 55; ch. 77, p. 60; ch. 319, p. 375 (McDowell and Ashe counties); *Acts and Joint Resolutions of South Carolina*, 1929, No. 145, p. 154 (in commission-government cities of 35,000 to 45,000 population); *Acts and Resolves of Massachusetts*, 1928, ch. 242, p. 248 (Fall River primaries of 1929).

³⁷ *Acts and Resolves of Rhode Island*, 1928, ch. 1232, p. 249.

³⁸ *Acts and Joint Resolutions of South Carolina*, 1928, no. 625, p. 1195.

to be voted upon in the same way, and the person receiving the highest number of votes is "eligible for recommendation and appointment."³⁹

A return to the convention method of nominating the mayor and all elective New York City borough and county officials was prevented by Governor Roosevelt's veto in 1929.⁴⁰ The bill was passed by a Republican legislature with the avowed purpose of enabling the party organization in New York City to select a mayoralty candidate who could defeat Tammany in the final election. In vetoing the measure, Governor Roosevelt said that he saw no reason for singling out New York City in this fashion, and that it would be a serious violation of the direct primary principle, to which the Democratic party in that state was committed.⁴¹

Few changes have been made in the date of the primary. Ohio has shifted her state primary from August to May in presidential years in order to have it coincide with the presidential primary;⁴² Michigan has changed from the Tuesday following the first Monday in September to the Tuesday following the second Monday in the same month;⁴³ and Wisconsin has changed from the first to the third Tuesday in September.⁴⁴

Qualifications for participation in the primary continue to give legislators and courts no little difficulty. The Ohio law remains closed, with provision for challenge; but in the future one's right to participate will be determined by the largest number of candidates of any party voted for at the last general election (instead of by one's vote "at the last general election"), in even-numbered years.⁴⁵ Idaho no longer will permit the party authority to determine the party test, but has provided for party enrollment at the time of registration and for an oath that one has been affiliated with the given party for two years past and intends in good faith to support its candidate in the next election.⁴⁶ Florida now requires the payment of a poll tax for

³⁹ *Ibid.*, No. 931, p. 1920.

⁴⁰ *New York Times*, April 20, 1929, p. 1.

⁴¹ *Idem.*

⁴² *Legislative Acts of Ohio*, 1929, p. 337, sec. 4785:67.

⁴³ *Public Acts of Michigan*, 1929, No. 306, p. 791.

⁴⁴ *Laws of Wisconsin*, 1929, ch. 112.

⁴⁵ *Legislative Acts of Ohio*, 1929, p. 346, sec. 4785:82.

⁴⁶ *General Laws of the State of Idaho*, 1929, ch. 260, p. 530.

participation in primaries as well as in the general election.⁴⁷ Unimportant changes in party enrollment features have been made by Massachusetts⁴⁸ and New York.⁴⁹

The efforts of certain southern states to bar negroes and Democratic "bolters" from the primaries promise to cause the courts no little difficulty. It will be remembered that after the United States Supreme Court declared the Texas "white primary" law of 1923 unconstitutional⁵⁰ the legislature of that state amended the law so as to give the party state executive committee power to prescribe qualifications for participation in the primary.⁵¹ The Democratic state executive committee promptly barred negroes, and this ban has been upheld by several United States district courts.⁵² If these cases are taken to the Supreme Court, that body may find it necessary to reopen the question, "Is the primary an election?," to which it gave an indecisive answer in the Newberry case⁵³ and no answer at all in the Herndon case.⁵⁴ The Democratic state committees of both Texas and Alabama are taking steps to bar from the 1930 primaries those who bolted the Smith ticket in the presidential election of 1928. What litigation or legislation will result from this effort remains to be seen.

Legislation affecting the filing of petitions to place names on the primary ballot has been voluminous, but few significant changes have been made. Michigan has added a new provision requiring petitions for United States senator, governor, and lieutenant-governor to be signed by at least 100 residents in each of at least twenty counties of the state,⁵⁵ and Massachusetts has slightly altered her provisions for geographical distribution of the signers of petitions.⁵⁶ Less important amendments affecting the dates when petitions are to be filed were adopted by Florida, Illinois, Mississippi, and Oregon.⁵⁷

⁴⁷ *General Acts, etc., of Florida*, 1929, ch. 13761, p. 491.

⁴⁸ *Acts and Resolves of Massachusetts*, 1928, ch. 89, p. 57.

⁴⁹ *Laws of New York*, 1928, ch. 779, p. 1650; ch. 815, p. 1731.

⁵⁰ *Nixon v. Herndon*, 273 U. S. 536.

⁵¹ See this *Review*, vol. 22 (May, 1928), p. 356.

⁵² *New York Times*, July 25, 1928.

⁵³ *Newberry v. United States*, 256 U. S. 232.

⁵⁴ The act was held to be a violation of the Fourteenth Amendment, and the effect of the Fifteenth amendment was not considered. See R. E. Cushman, "Constitutional Law in 1926-27," in this *Review*, vol. 22 (Feb., 1928), p. 70.

⁵⁵ *Public Acts of Michigan*, 1929, no. 306, p. 791.

⁵⁶ *Acts and Resolves of Massachusetts*, 1929, ch. 135, p. 116.

⁵⁷ *General Acts, etc., of Florida*, 1929, ch. 13761, p. 483; *Laws of Illinois*, 1929,

Another state—Wyoming—has joined the ranks of those which require names of candidates at primary elections to be rotated upon the ballot,⁵⁸ and Montana has extended her requirement to cases where there are only two candidates for the given office.⁵⁹ Iowa and New Jersey have made minor changes in the details of provisions regulating the rotation of names on the ballot.⁶⁰ Illinois has deprived the secretary of state of the power to certify the names to be printed upon the primary ballot, and has created a "primary certifying board," composed of the governor, the secretary of state, and the auditor of public accounts, to perform this function.⁶¹

"Run-off," or second, primaries have been provided for in two more southern states—Florida and Oklahoma⁶²—making a total of eight states with such provisions.⁶³ Both of these states had unsatisfactory experiences with preferential voting, the Oklahoma law of 1925 having been declared unconstitutional by the state courts.⁶⁴ Wisconsin, which formerly permitted the name of a person to appear on the final election ballot as a *party* candidate only if, in the primary, all the candidates for that nomination received in the aggregate five per cent of the vote for governor in the last general election, now stipulates that the aggregate vote shall be five per cent of the *average* vote for governor at the last two general elections.⁶⁵ An amendment to the Montana law affecting persons nominated for office on more than one party ticket provides that if a person fails to receive the nomination of the party for which he filed a declaration of candidacy, his name may not be printed under any party designation, but may be listed among the "independent" candidates.⁶⁶

p. 414; *Laws of Mississippi*, 1928, ch. 128, p. 172; *General Laws of Oregon*, 1929, ch. 104, p. 71, and ch. 105, p. 71.

⁵⁸ *Session Laws of Wyoming*, 1929, ch. 23, p. 28. Formerly, names were arranged alphabetically.

⁵⁹ *Laws, etc., of the State of Montana*, 1929, ch. 67, p. 110.

⁶⁰ *Acts and Joint Resolutions of Iowa*, 1929, ch. 40, p. 72; *Acts of New Jersey*, 1928, ch. 103, p. 212.

⁶¹ *Laws of Illinois*, 1st special session of 1928, pp. 48, 60.

⁶² *General Acts, etc., of Florida*, 1929, ch. 13761, p. 488; *Session Laws of Oklahoma*, special session of 1929, ch. 241, p. 303.

⁶³ See Merriam and Overacker, *Primary Elections*, pp. 82-83.

⁶⁴ *Dove v. Ogleby*, 244 Pacific 798 (1926). For a discussion of the case, see Robert E. Cushman, "Public Law in the State Courts in 1926," in this *Review*, vol. 20 (Aug., 1926), p. 588.

⁶⁵ *Laws of Wisconsin*, 1929, ch. 381.

⁶⁶ *Laws, etc., of the State of Montana*, 1929, ch. 67, p. 110.

Several states have modified the composition of party conventions or committees. Henceforth, the party state convention in California will be composed of one delegate for each of the following elective officers: governor, lieutenant-governor, treasurer, controller, attorney-general, secretary of state, all members of the board of equalization, all senators and representatives in Congress from California, and all members of the state legislature. Delegates are of three kinds: "hold-over," or elected officials nominated as candidates of the party whose terms extend beyond January following the primary; "nominee," or candidates of the party nominated at that primary; and "appointive," or persons appointed to represent officials for whom there is neither a "hold-over" or "nominee" delegate.⁶⁷ The basis of representation thus becomes offices rather than geographical districts or party votes. Illinois has slightly modified the basis of representation in judicial nominating conventions; and California, Illinois, and Michigan have made minor changes in convention dates.⁶⁸

The increasing volume of legislation affecting party committees is evidence of an appreciation of the importance of these bodies even under a system of direct nominations. North Dakota has provided for the election of a national committeewoman as well as committeeman at the primary in presidential years,⁶⁹ and Michigan has finally accorded women equal representation upon her state committees.⁷⁰ California has reconstructed her state central committee to include all members of the state convention, plus three delegates appointed by each member of that body.⁷¹ The state committee, therefore, becomes a very large body; but it may act through an executive committee. The powers of the state committee in New York have been increased materially. It now has power to make all its own rules as to the number of members, units of representation, and certain other matters formerly determined by the state convention. There are two limitations upon this power: each unit of representation must have an equal number of members; and if women are accorded equal representation, the primary ballots must carry such

⁶⁷ *Statutes of California*, 1929, ch. 834, p. 1767.

⁶⁸ *Laws of Illinois*, 1929, p. 405; *Statutes of California*, 1929, ch. 834, p. 1767; *Laws of Illinois*, 1929, p. 406; and *Public Acts of Michigan*, 1929, no. 306, p. 792.

⁶⁹ *Laws of North Dakota*, 1929, ch. 123, p. 149.

⁷⁰ *Public Acts of Michigan*, 1929, no. 306, p. 792.

⁷¹ *Statutes of California*, 1929, ch. 834, p. 1767.

party positions separately by sexes.⁷² The local party organization in Chicago has been materially changed by an amendment substituting the ward for the precinct as the unit of representation in cities of 200,000 population and providing for the election of ward committeemen at the primary.⁷³ Massachusetts has subjected ward, as well as city and town, committees to comprehensive regulations.⁷⁴ Powers and dates of meetings of party committees, and the filling of vacancies thereon, are affected by less important amendments in Florida, Illinois, Massachusetts, Montana, New Jersey, North Dakota, Oregon, and Wyoming.⁷⁵

A number of states have modified their provisions relating to the amounts which may be spent in primary contests and the filing of expense accounts, but these amendments are neither novel nor significant.⁷⁶ A long list of changes, too numerous to enumerate, concern the details of printing, distributing, counting, and certifying the ballots in primary elections.

From the legislative harvest of the past two years, it is apparent that the field of primary elections is one in which experimentation still flourishes.

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Governors' Messages, 1930. The general theory underlying our system of state government in the United States demands that there be lodged in the representatives of the people assembled in legislatures the responsibility for determining the broad policies to be followed

⁷² *Laws of New York*, 1929, ch. 542, p. 1115.

⁷³ *Laws of the State of Illinois*, first special session, 1928, p. 40.

⁷⁴ *Acts and Resolves of Massachusetts*, 1928, ch. 212, p. 220.

⁷⁵ *General Acts, etc., of Florida*, 1929, ch. 13761, p. 481; *Laws of Illinois*, 1921, p. 420; *Acts and Resolves of Massachusetts*, ch. 188, p. 206; *Laws, etc., of the State of Montana*, 1929, ch. 98, p. 337; *Acts of New Jersey*, 1928, ch. 99, p. 207; *Laws of North Dakota*, 1929, ch. 125, p. 151; *General Laws of Oregon* 1929, ch. 397, p. 535; *Session Laws of Wyoming*, 1929, ch. 115, p. 198.

⁷⁶ *Acts, etc., of Arizona*, 1929, ch. 13, p. 32 (limitations); *Statutes of California*, 1929, ch. 103, p. 188 (filing of expense accounts); *General Acts, etc., of Florida*, 1929, ch. 13761, p. 490 (regulations governing campaign expenditures applicable to new "run-off" primary); *Acts of General Assembly of Kentucky*, 1928, ch. 160, p. 539 (increasing amounts which candidates for nomination in cities of first class may spend); *Public Acts of Michigan*, 1929, No. 306, p. 816 (changing basis upon which amounts to be expended in primary elections are to be figured); and *Acts of the State of Virginia*, 1928, ch. 119, p. 530 (changing filing date).

by the administration. But due to the infrequent sessions of these • representatives, and their lack of intimate knowledge of the day to day problems of the conduct of the state's business, it is inevitable that the governor should assume leadership in the formulation of these policies. His success is determined largely by his strength as a leader of the majority party in the legislature and by the force of his personality.

The governor's message is an institution. It is the medium through which the chief executive makes known to the legislature and to the public the policies which he favors. In the case of a new governor, the message is frequently a mere reiteration of the platform upon which he was elected. An experienced governor, or one who is a close student of public affairs, usually draws heavily upon his knowledge of abuses which need correction through legislation.

The message is quite often designed more for public consumption than for the guidance of the legislature. It is prepared carefully, well in advance of the legislative session, usually in conference with party leaders, and is transmitted to the newspapers for release on the day of its delivery. Much that is contained in it is worded carefully to stimulate public reaction without committing the chief executive. If he and the leaders of his party find that his suggestions are well received by the press and the public, action by the legislature may follow. If strong protests arise, the suggestions are quietly withdrawn in a personal conference between the governor and the legislative leaders. For this reason, the fact that the record of legislative accomplishment frequently does not correspond with the governor's message should not necessarily be taken to indicate a lack of harmony between the governor and the legislature.

Since governor's messages are always addressed to legislatures, they are written only when these bodies meet in regular or special session. Most of the state legislatures meet biennially in the odd-numbered years. Hence 1930 produced messages only in five states having annual sessions, i.e., New York, Massachusetts, New Jersey, Rhode Island, and South Carolina, and in the states of Virginia, Mississippi, and Kentucky, where the legislature meets biennially in the even-numbered years. Special sessions were reported in Utah, Kansas, and New Hampshire.

The abstracts of governors' messages which follow indicate in broad outline the principal problems of government in these states which

seem to the governors important enough to demand legislative action. No attempt has been made to deal exhaustively with the many minor matters mentioned in the messages. It is assumed that persons interested in the details as they affect any particular state or problem will consult the messages themselves.

Kansas. Governor Clyde M. Reed summoned an extraordinary session of the legislature on February 29 "to deal with an emergency confronting the state in the matter of taxation." Due to a decision of the state supreme court interpreting the intangible tax laws, under a uniform clause in the state constitution, certain discriminations had arisen. The governor recommended in his 1929 message that these laws be repealed, but the recommendation was not followed at that time. The decision of the supreme court, filed on February 8, was to the effect that no moneyed capital in the state could lawfully be taxed at more than the minimum rate on intangibles of fifty cents on a one hundred dollar valuation, due to the provisions of the federal law on the taxation of national bank shares (Revised Statutes 5219). Under this decision, the aggregate annual loss in taxing revenues would exceed \$1,500,000. The special session was called for the purpose of repealing the three state laws taxing intangibles and submitting a constitutional amendment to permit the classification of property for taxation.

In his message to the extraordinary session, Governor Reed called attention to a number of other matters which might be taken up as the legislature saw fit, as follows: 1. Amendment of the inheritance tax law to take full advantage of the credit feature of the federal estates law. 2. Clarification of the insurance tax laws. 3. Increased taxation on motor vehicles used in commercial transportation. 4. Increase of fees charged by various state and county offices, so as to bear a direct relation to the cost of maintaining the offices. In this connection the governor said: "There is no reason why public utility companies and others utilizing the authority and machinery of the Public Service Commission should not pay reasonable fees for services actually rendered." 5. Establishment of a county assessment unit. 6. Requirement of a uniform system of accounting and compulsory audits for municipalities, including a compulsory budget procedure. 7. Creation of a bipartisan commission composed partly of members of the legislature and partly of citizens "to study and analyze state government and to report to the governor by December 1, 1930, its recommenda-

- tions as to improvement in efficiency or decrease in expenditures through changes, consolidations, or discontinuances of any of the existing administrative and executive agencies.”

Kentucky. Governor Flem D. Sampson placed before the Kentucky General Assembly on January 14 a program in which he suggested a need for new revenues to permit expanded state activities, and raised the issue of curbing chain stores. He requested the immediate appointment of a legislative committee to devise and recommend legislation to restrain chain stores, looking to action at the present session. He forecasted a budget of two million dollars in excess of anticipated revenues, in addition to a need for three million dollars for modernization of penal and charitable institutions. He also expressed hope that means might be found to retire the state's floating debt of ten million dollars. While new revenues obviously would be necessary to accomplish these ends, recommendations as to the specific sources to be tapped were not forthcoming.

Proposals for the general improvement of state government included an overhauling of the state's basic law by a constitutional convention, legislative reapportionment, and the construction of a new state office building on the capitol grounds.

Needed reforms in the penal and correctional system, according to Governor Sampson, include the development of a comprehensive probation and parole system in each county. He believes that all sentences should be indeterminate, and that release should be conditioned on progress in the vocational and educational facilities which he suggests should be established in the penal institutions. A state prison farm to relieve congestion and to supply foodstuffs for the institutions is recommended.

The governor's public school program included: (1) increased appropriations for public education; (2) free textbooks; (3) equal pay for county and city teachers of equal training; (4) an educational equalization fund for the benefit of the poorer counties; (5) nine months of school both in the cities and in the country; (6) standardization of elementary school plants and equipment; and (7) a strong truancy law based upon educational achievement rather than upon age. The establishment of a medical college at one of the state's educational institutions is also proposed.

Other recommendations included an appropriation of one million

dollars to complete the purchase of Mammoth Cave, development of state lands for flood control, forests and bird and game sanctuaries, the development of Cumberland Falls as a state park, and the granting of larger authority to the state railroad commission so that freight rates may be equalized with those of surrounding states.

Massachusetts. In his message to the General Court on January 1, Governor Frank G. Allen pointed with pride to a record of constructive accomplishments. Chief among these were the great expansion of the institutional building program, substantial reduction of tax rate and bonded debt, and a substantial balance in the state treasury.

His recommendations to the Court included a number of suggestions for intensive study of troublesome problems. Among the studies which he would like to have made are: (1) the problem of aged sufferers from chronic disease, and (2) the training of retarded but only slightly defective individuals in special classes in the public schools. A number of similar special investigating committees have been at work, and the governor recommends that careful consideration be given to their reports. Such reports are being made on child hygiene and welfare, on the extension of educational requirements for minors leaving school to enter employment, on reduced service and compensation for aged judges, on taxation, and on metropolitan transit. In connection with this latter problem, it is interesting to note that a referendum of car-riders in the metropolitan district is being taken to ascertain their preference with respect to the future management and control of the transit system.

Recommendations for new construction at the welfare institutions and state hospitals and the development of research and prevention in mental hygiene were stressed.

It appears that the compulsory automobile insurance law has caused considerable congestion of property damage cases in the trial courts. To correct this situation, the governor recommended that a board of referees be created in the department of insurance to hear and determine cases arising under the compulsory motor vehicle insurance law. Appeals from the decision of this board to the courts would be allowed.

The governor pointed out that rates for electric current in Massachusetts furnished by private companies are considerably higher than those where the current is furnished by municipally owned plants. He suggested that this competition between municipal and private ownership is desirable. In view of numerous attempts made by private

utility companies to purchase municipal properties at exorbitant figures in order to eliminate competition, the governor recommends that the approval of the department of public utilities be required before such purchases be completed.

Other recommendations included: (1) denial of the privilege of driving a motor vehicle to any person twice convicted of a felony; (2) construction of a suitable building to house the supreme court and state library; (3) enactment of a uniform law on extradition; (4) amendment of the statutes on jury service to permit women to serve on juries; and (5) regulation of tourist camps.

Mississippi. In his biennial message, Governor Theodore G. Bilbo called attention to the fact that there is a deficit of four and one-half million dollars in state's funds, inherited from the previous administration. In the face of this deficit, he recommended the issuance of from sixty to eighty-eight million dollars for highways, a million for the completion of a new institution for the feeble-minded, a half-million for construction at the state university, and other funds for additional prison capacity and for the extension of state aid to rural education. The recommendation of the issuance of highway bonds was, however, conditioned upon the creation of a new highway commission to be composed of three members appointed by the governor. At the 1928 session, the legislature voted an increase in the public school appropriation under the impression that this would be adequate to give the white school children of the state an eight months' school term, but it was found that the amount was inadequate without rural coöperation, which was not forthcoming. In order to finance all of these additional recommendations, the governor suggested the imposition of a gross sales tax.

The diffusion of responsibility in the domain of higher education in Mississippi stimulated Governor Bilbo to recommend the creation of a central educational board composed of eight laymen, with the governor serving ex-officio, one of the lay members to be appointed from each congressional district for an eight-year term. For all institutions which are supported primarily by the state, local boards of five members were to be appointed by the governor, with advisory powers, for a four-year term. The heads of the institutions were to be named by the central board and the employees by the local board. In order that the central education board might be enabled to carry on its administrative work, a director of higher education, coördinate

with the state superintendent of public instruction, was to be appointed by the board to exercise supervision over all institutions of college rank. Conflicts of jurisdiction were to be resolved by a special education commission composed of the state superintendent of public instruction, the director of higher education, and the president of the state educational association.

The governor likewise recommended the creation of a state board of charities consisting of the governor, the president of the state medical association, the executive secretary of the state board of health, and four members appointed by the governor for four-year overlapping terms. This board would supervise the distribution of state aid to hospitals which handle charity cases.

Governor Bilbo also recommended a county unit school and road system. All bonds issued by school and road districts smaller than a county would be refunded at the lower rates at which the counties can sell their bonds. He suggested the creation of a central purchasing agency for the state, to take the place of the present departmental buying.

It appears that there is no sinking fund in Mississippi for the retirement of the public debt. The creation of such a fund, as well as a fund for the insurance of state property, was recommended, unless the legislature is willing to authorize insurance with commercial companies. The governor likewise recommended the establishment of an oil inspection department, the expenses to be paid out of the gasoline tax. He would have this department, rather than the state auditor, collect the gasoline tax, thus permitting the auditor to audit the collections.

New Hampshire. Governor Charles W. Tobey convened the New Hampshire legislature in special session on February 18 to consider the subject of taxation. Certain bills which were before the legislature at its 1929 meeting had been submitted to the supreme court with a request for an opinion as to their constitutionality. Following the report by the court and a redraft of the legislation by a recess tax commission, the legislature was convened to consider the redrafted bills. No clue as to the exact nature of this tax program is given by the governor in his message.

New York. The voters of New York ran true to form in electing a Democratic governor and a Republican legislature. This fact is reflected in the tone of Governor Franklin D. Roosevelt's message of January 1. Particular stress is laid upon the need for forgetting

political affiliations and for coöperation in working out four major projects: (1) reform of the administration of justice; (2) permissive reorganization of town and county government; (3) legislation relating to social welfare, including the prison and hospital program; and (4) providing cheaper electricity for homes.

Governor Roosevelt summarized needed reforms in local government as: (1) limitation of the debt-incurring powers of counties and towns; (2) a rearrangement of the number and duties of town officers; (3) new forms of county government; (4) the right to consolidate various town and county operations; and (5) the right of two or more counties to unite in the exercise of certain functions without loss of county individuality. His program on judicial reform called for the creation of a commission composed of laymen and lawyers to study the problem. The 1929 legislature passed a bill creating a commission composed entirely of lawyers, which was vetoed by the governor.

He suggested a revision of the banking laws, strengthening of the public service commission, and provision for old age pensions, all of which suggestions had been studied by citizen committees during 1929. The creation of a state crime investigation bureau and extension of the work of the state police, including an increase in pay, were also suggested. The governor's plan for reduction in the cost of electricity involved development of the state-owned water power on the St. Lawrence River. This project, he believed, would aid greatly in the relief of agriculture through the electrification of farms. He also suggested a four-year term for governor, the abolishment of the constitutional provision for a state census, the creation of bi-partisan boards of election in all counties, the limitation of campaign expenditures, and the publication of campaign receipts.

The financial condition of the state was reported to be excellent. The large surplus remaining in the treasury was to be used for the development of the state's welfare institutions. An additional bond issue for further institutional development was recommended, and it was suggested that the legislature submit to the voters a constitutional amendment to permit the issuance of bonds for future institutional construction without a vote of the people. The governor's program of labor legislation included: (1) extension of the list of compensable occupational diseases; (2) establishment of a real eight-hour day and forty-eight hour week for women in industry; (3) establishment of an advisory minimum wage board for women and children; (4) raising

the limit for workmen's compensation; (5) state regulation of fee-charging employment agencies; (6) prohibition of the granting of temporary injunctions without notice and hearing in labor disputes; and (7) improved housing legislation.

Subsequent to the convening of the General Assembly, Governor Roosevelt sent special messages on the state building program, prisons, banking, and the construction of a bridge over the St. Lawrence River. The message on prisons recommended the immediate construction of temporary housing facilities outside the prison walls and the prompt development of a training school for prison guards.

Another special message called attention to the building program at the state hospitals. Present plans call for the completion of facilities to house 6,000 additional patients this year and authorization of facilities for an additional 6,000 in 1931 and similarly in 1932, in order to provide 18,000 additional patient beds for occupancy by 1935.

New Jersey. Governor Morgan F. Larson called to the attention of the legislature a number of reports which had been prepared by interim committees and other groups, and recommended a careful consideration of the legislation suggested by them. The topics covered by these commissions included a revision of the election laws, the distribution of foodstuffs in the metropolitan area, an educational survey, state control of aviation, and a plan for the administration of intermunicipal and interstate projects.

He pointed out that no new highway routes should be added to the state system until the present road-building plans were completed. Grade-crossing elimination would, he thought, be stimulated by permitting the apportionment of the cost between the railroads and the public, rather than by having the whole cost borne by the railroad companies as at present. He recommended legislation to permit public control of sight areas at rural highway intersections.

A stronger regulation of building and loan associations and a strengthening of the blue sky laws were recommended. He called particular attention to the need for the revision of civil service laws and for the creation of a bill-drafting bureau. He strenuously objected to the granting of broadcasting licenses by the Federal Radio Commission to stations located in New Jersey without the knowledge of state authorities. He recommended that legislation be enacted to require a certificate of convenience and necessity for radio broadcasting stations and suggested that the legislature memorialize Congress to amend the

- federal radio act to require the Federal Radio Commission to give notice to the attorney-general of every state in which a license is about to be granted and afford an opportunity for the state to advance arguments for or against the granting of the request.

A general law replacing numerous special laws on pensions for public employees was suggested. The governor declared himself opposed to an income tax, which he thought should be reserved "for war, pestilence, or other such emergencies." A recent decision of the United States Supreme Court declaring that state taxes upon the gross receipts of public utilities cannot include receipts for interstate business will cause a considerable loss to the municipalities of New Jersey, and the governor recommended legislation to replace this revenue from some other source.

Utah. Governor George H. Dern convened the legislature in special session on January 27 to consider the recommendations of the Tax Revision Commission and the Legislative Tax Committee. These two bodies, which had been working since early in 1929, had found that any comprehensive and scientific program of tax revision would require several constitutional amendments. It was for the purpose of formulating these amendments and submitting them to the people that the legislature was convened.

The amendments suggested included (1) repeal of the uniformity rule and adoption of the principle of classification, and (2) centralization of tax administration in a state tax commission. While the general principles of the whole tax revision program were submitted to the legislature, only the constitutional amendments were to be acted upon. The governor approved the committee's recommendations except their suggestion for state control over tax levies for strictly local purposes (the Indiana plan), and suggested that it was unwise to attempt to write into the constitution a requirement that the entire proceeds of the proposed new income tax should be paid into the common school fund. He pointed out that unless new sources of revenue for general state purposes were provided, the general revenue fund of the state would soon be seriously embarrassed by inability to meet ordinary demands.

South Carolina. In his message to the General Assembly on January 14, Governor John G. Richards reported an accumulated deficit of five million dollars. The government of the state is being conducted on a credit basis. The interest charges for borrowings in

anticipation of revenues during the past year were \$368,989.73. Suggested remedies included (1) the passage of a law requiring daily deposit of all funds, (2) requiring colleges to pay all fee receipts into the state treasury, and (3) authority to the finance committee to borrow from any fund for general purposes and to fix the rate of interest on such borrowings. This would, in effect, pool all financial resources and reduce interest charges. A new system of accounting for state and local governments, with a biennial audit, was recommended. The taxes on real estate should be reduced and new sources of revenue tapped. The constitution should be amended to permit a classified property tax.

According to the governor, the worst curse of South Carolina is bad roads. These, he believed, should be improved as rapidly as possible, using bond money, retiring the bonds from special highway revenues. The next worst problem is the obsession of the one-crop idea. The results of recent investigations proving the suitability of South Carolina soils and climate for diversified gardening are reported. The governor recommended a five-year tax exemption to new farmers.

Governor Richards' educational program was headed by a recommendation for compulsory reading of the Bible in all schools and colleges. He also suggested free textbooks for the indigent and the distribution of the educational equalization fund on the basis of school attendance rather than enrollment.

The abolition of annual legislative sessions and the adoption of biennial sessions was strongly urged. Other governmental reforms included the consolidation of several departments and the abolition of others. The governor also suggested that a legislative commission be created to study the labor laws. The adoption of a workmen's compensation act was recommended. The creation of a state police system in the highway department, the adoption of a comprehensive traffic act, and strict enforcement of the liquor laws concluded the message.

Rhode Island. Governor Norman S. Case reported to the General Assembly that there was a cash balance of four million dollars in the state treasury, due to unexpected receipts from inheritance taxes. He recommended that this be appropriated for non-recurring purposes, since so large an income from this source in future was not to be anticipated. Part of the surplus should, he believed, be devoted to construction of new buildings at penal and welfare institutions. Concrete suggestions included the construction of a reformatory apart from the state prison and the building of additional facilities at the hospital for

- the insane to accommodate criminal insane now housed at the penitentiary. He also recommended the segregation and treatment of drug addicts. The construction program should be undertaken at once, he suggested, in order to relieve unemployment, preference being given to Rhode Island labor.

The improvement of traffic facilities by the construction of by-pass routes around congested areas was stressed, as was also the need for highway beautification. The activities of the state police should be extended to water patrol, in order to enforce commercial fishing laws.

Judges of the superior court are now elected by the legislature, sitting in joint convention. Governor Case recommended that they be made appointive by the governor, with confirmation by the Senate. He requested that careful consideration be given to the recommendation of the judicial council that rule-making powers be conferred upon the courts. He believed that the law providing for the working out of fines favored wealthy offenders and should be amended or repealed.

Other subjects mentioned in the message included encouragement of town forests, state-wide inspection of dairies, study of forest taxation, protection of the shell-fish industry, establishment of uniform caucus laws, and the development of harbor facilities in Narragansett Bay.

Virginia. The year 1930 marked the close of the term of Harry Flood Byrd as governor of Virginia. Under the constitution of the state, the governor may not be a candidate to succeed himself. The successor is John Garland Pollard, formerly professor of political science in the College of William and Mary.

Governor Byrd delivered his valedictory to the regular session of the General Assembly on January 8. As is customary in such messages, he summarized the accomplishments of his administration. Chief among these were, in his estimation: the reorganization of the governmental machinery, the revision of the constitution, the adoption of a new accounting system, tax reform, reduction of the public debt, the abolition of poorhouses, suppression of the fee system of compensating public officers, and promotion of rural electrification.

Persons interested in methods of constitutional revision in the states will take note of Governor Byrd's views on the constitutional convention. The constitutional changes made during his administration were suggested by a special commission appointed by the governor under authority from the Assembly. The amendments were acted upon in two successive sessions of the Assembly and approved by popular vote.

This method was suggested by Governor Byrd, first, because in Virginia a constitutional convention can promulgate its own acts without a popular vote; second, because the most recent constitutional convention cost \$500,000 as compared with \$5,000 for the late special commission; and third, because more outstanding citizens could be induced to serve on such a commission than in a constitutional convention.

Governor Pollard, in his inaugural message, announced his intention to carry on the policies of his predecessor. A substantial increase in funds for educational equalization and the appointment of five business men and two educators to the new state board of education comprised his recommendations in the field of education. The favorable financial condition of the state treasury, he believed, justified a reduction in the income tax. A reasonable increase in workmen's compensation awards was favored.

A comprehensive revision of the election laws was a principal plank in the new governor's program. He believed that the process of voting should be simplified. The expenditure of money in campaigns should be regulated; the wholesale payment of poll taxes in order to qualify voters should be discontinued by both parties; and the primary system should be made compulsory rather than optional.

The creation of a commission to study county government was asked. This body would have two functions: first, to draft a general law offering optional forms of county government, and second, to conduct a continuous comparative study of government in the county area. The governor requested also that the department of public welfare study and report to the General Assembly upon the problem of mothers' aid, making recommendations as to machinery and funds needed to make the system effective. The desired report should also indicate the distribution of costs between the state and the local subdivisions.

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Progress in State Forestry Legislation, 1929. State forestry legislation in 1929 was concerned principally with the amending of existing laws rather than with the enactment of new ones. Unfortunately, Arkansas, a large timbered state, was again unsuccessful in an attempt to pass a law for the establishment of a state forestry department. No changes were made in existing Florida forestry laws, but the ap-

propriation was increased by \$48,500 over the preceding year, which action shows the marked advancement of forestry in that state. West Virginia changed the name of its organization to the state department of game, fish, and forestry, and broadened the scope of state forestry activity; it also provided for the appointment of a chief forester to head the forestry division.

Nebraska consolidated the administration of forestation, state parks, and game and fish into one board. This change did not, however, materially affect the status of the forestry work of the state. South Carolina authorized the establishment of forest-tree nurseries and directed the sinking fund commission to transfer to the state commission of forestry certain waste lands to be used for state nurseries or other forestry purposes. New Hampshire made a change in its laws as to the examination and registration of arborists, setting up a board composed of the state forester, the commissioner of agriculture, and the entomologist of the agricultural experiment station, whereas formerly examinations were under the control of the state forester only. Failure to comply with the law now carries a maximum fine of one hundred dollars instead of fifty dollars.

An enabling act to permit the acquisition of land for national forests was passed by Missouri, but a limit of 2,000 acres in any one county was placed on it. Mississippi removed the 25,000 acre limitation to the enabling act, leaving the question of the amount of land to be acquired entirely to the federal government and the state forestry commission. In North Carolina the enabling act was amended so as to permit acquisition throughout the entire state rather than in the western part of the state only.

Considerable legislation looking to enlarged public ownership and administration was enacted. Indiana provided for the acquisition of lands to be held as permanent public forests, and Rhode Island made similar provision for town forests. California provided a means for the setting aside of tax delinquent cutover lands for management as state forest areas.

Many states authorized the acceptance of gifts or purchases of lands to be used as state forests. Massachusetts provided for the purchase of a tract of land in the towns of Ashby and Townsend to be known as the Willard Brook state forest, in order to perpetuate a scenic piece of property and to preserve the forest growth thereon. The New Jersey board of conservation and development accepted as

a forest park reservation the estate of ex-Governor Voorhees. Ohio provided for the acceptance of a gift of land for state forest purposes, and an endowment of over a million dollars for maintenance and purchasing additional lands. Texas provided for acceptance of gift land for the purpose of state forests and the demonstration of the practical utility of timber culture. Donations of property for forest purposes may be accepted by the South Carolina commission of forestry, and real estate may be acquired for these purposes. Vermont passed similar legislation, to the effect that lands may be accepted or purchased in the name of the state to be administered as state forest parks. West Virginia may purchase lands suitable for state forests and forest parks. Montana authorized the state board of land commissioners to accept grants of lands given to the state and to set aside the same as state parks for public camping and recreational purposes; the state forester of Montana is designated by law as state park director. Minnesota provided for the acceptance of gifts and for the purchase in certain cases of small tracts of land for the use of the state in forestry and fire prevention work.

New York adopted a somewhat new method of stimulating and assisting the counties in the establishment of county forests by appropriating as much as five thousand dollars a year to any county, if the county provides at least an equal amount for the purchase and development of county forests. The same state amended its conservation laws by providing for the purchase and development of state forests in the area outside the "preserve counties;" heretofore, state forest development was limited by law to the preserve counties.

Much of the state forest-fire legislation was revised. To cite only some of the important cases: Idaho strengthened its fire law by conferring authority on the state forester to prevent by court injunction the cutting operations of a timber operator who has failed to dispose of accumulated slash in accordance with law, and provides for a maximum fine of \$1,000 for burning in the closed season without a written permit any slash, débris, etc., and for any violation of the terms of the permit to burn. California authorized the state board of forestry, upon written petition of the owners of fifty per cent or more of the forest land in any particular region or zone, to designate such region or zone a hazardous fire area within the state, and made it unlawful to build fires in such areas, except in camp sites established thereon. Also in California municipalities may contract with the county to

- exercise fire protection functions within municipalities and to reimburse the county for such service. Washington requires that all spark-emitting engines be equipped with modern spark arresters, in good condition, and non-compliance is deemed a misdemeanor. Minnesota broadened the slash disposal law by including any accumulation of timber débris or inflammable refuse from the manufacture of lumber or other timber products. In Pennsylvania, the department of justice, acting for the department of forests and waters, may institute suit on behalf of the commonwealth to recover the expenses incurred on account of persons causing forest fires. Pennsylvania also authorized the chief forest fire-warden to declare a public nuisance any property which, by reason of its condition or operation, is a special forest fire hazard, and as such endangers other property or human life. The owner must abate such public nuisance or pay for abatement and costs, plus a fine of not exceeding one hundred dollars.

Idaho passed a law wherein it was declared to be a misdemeanor, and punishable accordingly, to throw any lighted cigarette, cigar, match, ashes, or flaming substance from any vehicle, or to throw any such article upon any place where it may directly or indirectly cause a fire resulting in damage to forage lands of the United States or the state of Idaho, or to the property of any person.

Connecticut was successful in passing a bill the essence of which is that a forest owner may have his land classified by the state forester and thereafter his standing timber will be exempt from taxation up to the time the timber becomes of a merchantable age. North Carolina's legislature initiated a constitutional amendment permitting the taxing of property by a rule that is uniform as to each class of property. A similar constitutional amendment was passed in Washington; but in this case it is less broad, because no authority is given the legislators to classify real estate other than the separation of forest and mineral lands. Maine simplified her existing tax law in administrative details and as to the qualification of property that might be admitted under it, and also readjusted the rate of taxation.

While Idaho's old tax law remains in full force and effect, the current law offers a new method of approach in forestry taxation work. It provides for a valuation for the purpose of taxation on forest-producing lands listed with the state coöperative board of forestry of one dollar per acre and a yield tax on the timber cut thereon of twelve and one-half per cent of its stumpage value throughout a period of

fifty years. The right of extending the period is given through a renewal of the contract to continue the production of timber on the listed area. Minnesota changed the tax law by dispensing with a fixed annual specific tax. The principal features of the Oregon reforestation law include an annual fee of five cents per acre during the period of maturing the timber crop and a yield tax of twelve and one-half per cent based upon the value of the crop when harvested. In addition to the annual fees and the yield tax, the owner is required to provide fire protection to the growing crop. All lands subject to classification come under the provisions of the law.

A. B. HASTINGS.

U. S. Department of Agriculture.

PUBLIC ADMINISTRATION

EDITED BY LEONARD D. WHITE

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Developments in Public Administration, 1929. American public administration continues to be the subject of an unparalleled degree of attention. In an address before the Governmental Research Conference in November, 1929, surveying administrative progress, Dr. Luther Gulick declared: "As a nation, we have adopted in conspicuous degree the habit of research. This is a milestone in our progress." Our intense preoccupation with our administrative institutions is undoubtedly in part a reflection of their imperfection, but in part also a typical American conviction that there are no discoverable limits, as yet, to the opportunity for perfection.

On a national scale, the present tendency is signalized by the appointment by President Hoover of the National Commission on Law Observance and Enforcement, on the basis of whose first reports the President recommended, among other things, the transfer of the prohibition unit from the Treasury Department to the Department of Justice, modification of federal court structure to relieve congestion, and consolidation of frontier services. The President has also called a White House Conference on Child Health and Protection, which is to meet in 1930, and for which much preparatory investigation was carried on in 1929. More recently, the President appointed a Commission on Social Trends, and directed it to present an analysis of social movements broadly parallel to the study of recent economic trends. Several units of this study will be devoted to aspects of public administration.

An enlarged program of research in public administration was inaugurated at the University of California under the direction of Professor Samuel C. May, with the assistance of a grant from the Rockefeller Foundation. It is intended to develop the present extensive collection of material, to organize research, and to extend the scope of graduate instruction and training in public administration. Seven special research projects are announced: (1) a study of the interrelations of the communities comprising the San Francisco region;

(2) the administrative relationships between federal, state, and local governments; (3) personnel problems; (4) legislative drafting; (5) the administration of criminal justice in California; (6-7) the annual publication of critical annotated guides to the literature of state and federal administration.

In the survey of public administration for 1928,¹ reference was made to the appointment by the Social Science Research Council of an advisory committee on public administration. The committee has authorized a critical survey of the status of research in this field, which is being conducted by Professor John M. Gaus, of the University of Wisconsin. The committee has also laid the basis for a coöperative plan for collecting material of interest to researchers in administration. It is proposed, briefly, to establish a small number of regional centers, presumably usually in university libraries, each of which will collect intensively for its area, and also a large number of local centers, each responsible for the available material for a given community. This plan is in process of development. The publication by the University of California of the proposed critical guides to federal and state material, and the enlarged services of the *United States Daily*, will be of great value in the effective prosecution of the plan.

Police Administration. The subject of crime and police continues to hold public attention, focusing unfortunately in part on such dramatic episodes as the St. Valentine's day massacre in Chicago. Substantial progress toward improved police administration may be recorded, however, coupled with notoriously ineffective policing in some cities.

The development of uniform crime records and a system of national crime statistics continues to rank as the chief contribution of recent years. During 1929, the International Association of Chiefs of Police unanimously approved the report of its committee on uniform crime records (*Uniform Crime Reporting*, Macmillan, 1929). The committee has prompted the introduction of a bill in Congress to provide for the collection of statistics by the bureau of investigation in the Department of Justice; at the time of writing, the bill has been approved by the House. Meanwhile, on January 1, 1930, the committee inaugurated the collection of statistics, with over 350 cities,

¹ See this *Review*, May, 1929, p. 427.

- comprising a registration area of over 20,000,000 persons, reporting the first month.

A nation-wide conference of police executives was held at the University of Chicago November 16 and 17 for the purpose of discussing the proposed system of crime records. This unique meeting, hailed by the press as the strangest conference ever held, "where the professor and policeman sat down together," was highly successful. A regional conference is proposed for 1930.

The use of radio in police work is developing rapidly. Twenty-one municipal police departments and one state police organization have filed application for permission to construct and operate wireless stations. Experience in Detroit fully demonstrates the value of patrol cars equipped with receiving sets. A technical memorandum on radio applied to police work was prepared at the University of Chicago and circulated among the larger departments.

Police training schools are also multiplying in number and effectiveness. The New York State program was referred to in the last annual survey; New York City has since established a Police Academy, representing the most ambitious movement for police training yet launched in the United States. Other significant experiments in police training have been undertaken by Willamette University Law School, the University of Southern California, Junior College, Riverside, California, and the University of Wichita. A police school for special instruction in the use of pistol, rifle, tear gas, smoke bomb, and specialized weapons has been established at Camp Perry, Ohio, in connection with the National Matches. Reference may be made to the research program initiated at the University of Chicago by August Vollmer, the first units of which include the scientific testing of the so-called "lie detector," a regional survey of police, and the preparation of monographs on selected phases of police administration.

At Northwestern University, a bureau of criminal identification has been established, with Colonel Calvin Goddard at its head. In connection with it a new police journal has been inaugurated, entitled *The American Journal of Police Science*.

The United States Bureau of Standards is giving attention to the identification of typewriting and the identification of bullets, as initial steps in a comprehensive program to determine the efficiency of methods of crime investigation.

The investigation of the Chicago police department referred to in

the 1928 survey of public administration has continued throughout 1929, with the cordial support of Commissioner William F. Russell. Following upon the completion of the survey, four interim reports have been presented and adopted, dealing with the wagon service, the record system, a system of recall signals, and a complete reorganization of the department. Other matters are being dealt with in a systematic rejuvenation of the department.

Standards of Measurement. Reference has already been made to the recently proposed system of crime reporting, from which it ought to be possible, in due course of time, to develop workable standards of measuring the efficiency of police departments.

Progress has been made in securing a minimum degree of comparability in the statistics of welfare institutions through another year's work of the joint committee representing the Association of Community Chests and Councils and the Local Community Research Committee of the University of Chicago. The objects arrived at have not yet been attained, however. It is hoped that this project will be taken over by the federal government on July 1, 1930.

The National Committee on Municipal Standards, Dr. Clarence E. Ridley, secretary, presented a tentative draft of units of measurement for street cleaning and for refuse removal and disposal, in September, 1929. This report was accepted by the International Association of Street Sanitation Officials and is now being tested under operating conditions. The National Committee on Municipal Standards, in coöperation with the Local Community Research Committee of the University of Chicago, is now developing standards in other fields, as well as watching the application of the police and street-cleaning standards. The rating of civil service commissions has not reached the point of reporting.

Training for the Public Service. The University of Southern California held its second short course for public officials in the summer of 1929. In the previous spring, classes in various phases of public administration were opened by the University of Southern California in the Los Angeles City Hall. One hundred and sixty-five city and county employees enrolled, including some thirty police officers taking a course in criminal law. In the fall of 1929, an increased offering resulted in a registration of 265. This work is now one of the permanent projects of the University, which bids fair to become one of the important centers of training for American public officials. We still

lack, however, such a body as the English Institute of Public Administration.

Under the direction of William P. Capes, executive secretary of the New York State Conference of Mayors, a training school for city and county employees was established on January 1, 1930. Financial administration will be the first topic considered.

Reorganization. The Ohio legislature declined to adopt the report of the Joint Committee on Economy in the Public Service, but substantial progress has been made by executive order of Governor Cooper along some of the lines indicated. For the first time in Ohio, an allotment system has been set up by the department of finance to control expenditures; a new accounting system changing accounts from a cash to an accrual basis has been installed; and a complete new classification of the state civil service has been prepared. The finance department is working on the biennial budget a full year before its submission to the General Assembly. In *People of the State of New York v. Tremain*, the Court of Appeals handed down an important decision strengthening the position of the governor with respect to the budget. (See note by Professor F. G. Crawford, page 403.)

A survey and audit of the state government of New Jersey was completed during 1929 by the National Institute of Public Administration. At the time of writing the passage of reorganization bills seemed unlikely. Serious irregularities were disclosed by the survey, and the question of reorganization has become a political issue. State surveys are expected also in Maine and Arkansas.

The movement in Wisconsin noted in these pages a year ago eventuated in action in the 1929 session of the legislature. An advisory council was established (ch. 468) consisting of the governor, director of the budget, director of purchases, director of personnel, the state chief engineer, and such other officers as the governor may designate, to assist the governor in matters referred by him especially with respect to finance and personnel. Within the executive department is created a bureau of purchases, a bureau of engineering (ch. 468), a bureau of personnel (ch. 465), and a budget bureau (ch. 97). This legislation marks a distinct step away from the traditional Wisconsin type of organization toward the Illinois type.

The administrative commission is still found in Wisconsin, however. The reorganized department of agriculture and markets (ch. 479)

consists of three commissioners, each appointed for a term of six years, one member retiring biennially; the reorganized highway commission (ch. 81) follows the same pattern; likewise the state annuity and investment board (ch. 307).

Texas created the new office of state auditor and efficiency expert (ch. 91, 41st legislature, 1st called session), the incumbent of which acts as an "investigator of all public funds and disbursing officers," with authority to report on duplication of work and efficiency of employees. Grave irregularities have been uncovered as a result of the first investigations.

No systematic steps have yet been taken to deal with the problem of federal reorganization.

The Council-Manager Movement. During 1929, twenty-eight cities were added to the list of council-manager cities, nine of which had adopted the plan previous to 1929. Two cities abandoned the plan, and judicial decisions voided state legislation authorizing this form of municipal government in Kentucky and Indianapolis. Two large cities—Cleveland, Ohio, and Portland, Maine—voted to retain their charters. During the year, fifty-three managers resigned or were removed by the council and one died, representing a turnover of 13.4 per cent.

The removal of City Manager William R. Hopkins of Cleveland and the selection of Daniel E. Morgan as his successor aroused much interest. General confidence in the ability and integrity of Hopkins was coupled with the conviction that he was playing a more conspicuous rôle in municipal affairs than is appropriate for a city manager. The new manager has taken a position in harmony with established practice in this respect.

Substantial grants have been made to the International City Managers Association by the Julius Rosenwald Fund and the Spelman Fund for the development of a research program, and for making possible brief leaves of absence to city managers for the purpose of undertaking field study of some phase of municipal management.

Personnel Administration. A review of recent personnel legislation by Mr. Fred Telford will be found in this journal, volume 24, pp. 104-109. During 1929, extensive classification and compensation studies were made in New Jersey; Massachusetts (Report of the Special Commission on County Salaries, Senate Document 270, 1930); Ohio; St. Louis county, Minnesota; and Duluth, Minnesota. The preliminary

report of the wage and personnel survey made by the field survey division of the United States Personnel Classification Board was published, H.D. 602, 70th Congress, 2d session. This report contains sections on the German civil service by F. F. Blachly and Miriam E. Oatman, and on the English civil service by Morris B. Lambie. The Buffalo Civil Service Commission has published its classification.

A grant has been made by the Spelman Foundation to the Bureau of Public Personnel Administration for the study of service ratings. Mr. J. B. Probst, chief examiner of the St. Paul civil service commission, has developed a rating form (the J.B Rating Form) which is giving unusually satisfactory results.

General. Reference should be made to the report of the Donovan Commission on the Amendment of the Public Service Law of New York, prepared by a research staff under the direction of Professor W. E. Mosher, of Syracuse University.

The New York Commission on Old Age Security presented a unanimous report, recommending for the needy aged special classification, assistance (normally in the home) in the form of money payments, or the grant of food, clothing, or rent, and a system of administration resting upon the city and county welfare districts created by the new public welfare law which went into effect January 1, 1930. This report was based on an extensive investigation by the National Institute of Public Administration.

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The Executive Budget Decision in New York. Twenty years of discussion of budget procedure came to a conclusion with the decision of the Court of Appeals on November 19, 1929, in *People of the State of New York v. Tremaine*. This decision upheld the contention of Governor Franklin D. Roosevelt as to the powers of the executive in budget procedure, as provided for by Article 3a of the state constitution.

The first chapter in the movement to improve financial procedure in the state was the passage in 1910 of a law which initiated a system requiring all requests for appropriations to be filed and tabulated for the use of the legislature and the governor in advance of the legislative session. Prior to this time, no attempt had been made to collect or compile the requests before the opening of the legislative session. This

law of 1910 provided that on or before November 15 of each year each spending agency should file with the comptroller a detailed statement of all requests for appropriations to be made at the next session of the legislature. The requests were to be tabulated by the comptroller and then transmitted to the governor by December 15, and to the legislature on the opening day of the session.

The next change in budget procedure occurred in 1913, when Governor Sulzer appointed a committee of inquiry to investigate the management of state departments and institutions with a view to securing greater economy and efficiency in public service. This committee recommended the creation of a board of estimate, consisting of state officers, whose duty it would be to prepare the appropriation bills; also the establishment of a commission of efficiency and economy charged with examining all expenditures of the state and making recommendations along the lines of efficiency and economy. The two recommendations resulted in legislation, and a department of efficiency and economy was created under a commission appointed for a term of five years. In addition to powers of investigation, all spending agencies were required to file with the commissioner detailed statements of desired appropriations for the ensuing fiscal year. A state board of estimate was created, composed of the governor, the lieutenant-governor, the president of the Senate, the speaker of the Assembly, the chairman of the ways and means committee, the comptroller, the attorney-general, and the commissioner of efficiency and economy. All requests for appropriations were to be filed with this board as well. Power was granted to examine all requests and to hold public hearings, and the board was to prepare estimates for a budget, with explanations. A statement of the amount necessary to meet the debt service was to be included, as well as an estimate of the state's revenue, with a statement of all unexpended balances.

This whole system was a failure because of the antagonism between members of the board, and as a result both laws were repealed in 1915. When the constitutional convention met in that year, three bills were introduced which together provided for an executive budget system. The constitution was defeated, and the next year a legislative budget system was passed. Under this law the governor submitted a statement of the appropriations desired by the departments, and was empowered to prepare a statement of the probable revenues of the state. By March 15 each year, the Senate finance committee and the Assembly

ways and means committee submitted a budget containing a complete and detailed statement of appropriations, together with a single appropriation bill.

This system was used until 1921, when, by Chapter 336, these budget provisions were amended and the Board of Estimate and Control was created. This agency was composed of the governor, the comptroller, the chairman of the Senate finance committee, and the chairman of the Assembly ways and means committee. The work of the board was in charge of a research director, who became the head of the budget bureau when the administrative agencies of the state were reorganized in 1926.

In its report of February 18, 1926, the Hughes Commission recommended an executive budget; and this was adopted by the legislature. Statutory provisions granted to the executive, through the division of the budget, power to study, investigate, and survey the operations of the various departments in the interest of economy. Formerly, this had been exercised by the Board of Estimate and Control. Departmental estimates were to be submitted by October 15, and the representatives of the Senate finance committee and the Assembly ways and means committee were to be invited to attend the revision of the estimates. The budget formulated by the governor, together with an appropriation bill, were to be submitted to the legislature. A constitutional amendment embodying these provisions was also recommended, was passed by the legislature, and was submitted to the voters in November, 1927. Governor Smith made a strenuous campaign for its adoption, and the vote in its favor was overwhelming.

The first test of the executive budget took place in the 1929 legislature. The amendment provided that the governor "shall submit to the legislature a budget containing a complete plan of proposed expenditures and estimated revenues. It shall contain all the estimates so revised or certified and clearly itemized and shall be accompanied by a bill or bills proposing appropriations and reappropriations." This appropriation bill was given a number, and in the Legislative Index, under the heading "introducer," it appears as "governor's budget."

When Governor Roosevelt submitted his budget in January, 1929, he included many lump sum appropriations not itemized—for example, the following:

"The department of law."

"Personal service."

"To permit the attorney-general to reorganize the department of law, exclusive of the appropriations made for the investigation of sale of securities and unlawful corporative securities—\$582,350.

"On or before June 15, 1929, the attorney-general shall file with the governor a tentative segregation of the amount hereby appropriated to be made available on July 1, 1929. Before any liabilities shall be incurred, such segregation shall have the approval of the governor. . . ."

The state finance law (Chapter 336, Section 139, *Laws of 1921*; Chapter 364, *Laws of 1927*) provided that such segregation should not take place without the approval of the governor, the chairman of the finance committee of the Senate, and the chairman of the ways and means committee of the Assembly; and, of course, the provision for segregation by the governor alone came into direct conflict with this portion of the law. The legislature did not assent to the governor's proposal; and on February 27, 1929, when the governor's original budget bill was passed, all items providing for segregation by the governor alone were eliminated. In their place was inserted segregation clauses calling for the approval of the legislative chairmen as well as that of the governor. But Governor Roosevelt refused to approve any of these lump items where he was to share authority for segregation.

On March 18, the governor submitted a supplementary budget. This date was within the thirty-day limit. When this budget was received, considerable agitation resulted because of lack of precedent. Should the bill be accepted as coming from the governor? Should it be introduced by the chairman of the Assembly ways and means committee? After some deliberation, it was accepted as being introduced by the governor, and so appears in the Legislative Index. The bill was given a number and referred to the ways and means committee. This budget contained many lump sum items, all of which were restricted to the exercise of the governor's sole power of segregation. Ten days later, the legislature acted upon the bill and added the provision to the lump-sum items that these were to be segregated under Section 139 of the state finance law. In the cases of the lump-sum construction items, the legislature added a segregation clause known as Section 11, similar to Section 139, to apply whenever such monies were used for personal service. On April 12, the governor signed the lump-sum items which involved reorganization, but vetoed Section 11.

The controversy in the courts arose over an action brought by the

attorney-general to restrain the comptroller from making payments • without the approval of the legislative chairmen. The appellate division of the Supreme Court ruled against the governor, and the case was carried to the Court of Appeals. Before this court, ex-Governor Nathan Miller assisted the attorney-general, while William D. Guthrie and Edward O. Griffin, formerly counsel to the governor, appeared for the defendant.

On the claim that the legislature had the power to assign to its chairmen the function of approval of segregation, the court reviewed the doctrine of separation of powers. Section 7 of Article 3 of the constitution was cited, which states that "no member of the legislature shall receive any civil appointment within this state . . . from the governor . . . or from the legislature . . . during the time for which he shall have been elected."

This prohibition in the constitution applied to the appointment of these two chairmen to this administrative position. If it did not, then the legislature might appoint all of its members to administrative positions. The court stated that the legislature was in trouble whether the function of segregation was legislative or administrative. If it was legislative, it was unconstitutional because legislative power cannot be delegated. If it was administrative, it was unconstitutional under Section 7, Article 3, of the state constitution. The court held Section 139 of Chapter 336 of the *Laws of 1921* and Section 11 of Chapter 593 of the *Laws of 1929* to be unconstitutional and void.

The court then took up the State Office Site and Buildings Commission, which was composed of administrative and legislative officers. In regard to this commission, the court held as follows: "The legislative members of the commission hold invalid appointments, and the commission is eviscerated and invalidated so far as its money-spending functions are concerned." The court then discussed the practice of having members of the legislature serve on commissions. There have been many illustrations of this practice, but the power was never challenged until the present conflict arose between the executive and the legislature.

A third question involved the constitutionality of the governor's veto of Section 11 of the State Office Sites and Building Commission appropriation, which provided for segregation by the legislative chairmen. Several clauses of the constitution apply. In the budget amendment of 1927, the legislature was granted authority to strike out or reduce items in the governor's budget, and to add items if they were stated

separately and referred to a single object or purpose. The governor has no veto power over his budget, but may veto the separate items proposed by the legislature. The governor's counsel maintained that the addition of the clause for legislative segregation was unconstitutional, and the court upheld the contention that this was a rider to the appropriation bill and therefore improper. In Section 22 of Article 3, the constitution specifically prohibits riders to appropriation bills. The court maintained that if it was illegal for the legislature to add segregation provisions to a budget bill, it would follow that the governor should not insert such provisions in the bill. An alternative scheme would be for the legislature to strike out the item *in toto* and then submit it as a separate item.

Another question discussed by the court is significant as regards reorganization. The constitution provides that the legislature may create no departments or boards other than those specified, except for temporary purposes. The duties of the State Office Site and Building Commission were taken from the department of public works on the ground that it was a "temporary commission for a special purpose." The court held that the whole body of departmental duty is continuous, and that if the parts may be separated into temporary acts, all the powers of a constitutionally created department may be assigned to a special commission to be renewed from year to year and the basic purpose of the amendment defeated.

The decision concludes with a paragraph which grants to the heads of departments the power of segregation without the approval of the governor or the legislative chairmen.

This issue in New York has a political background. Since 1922, the governor has been of one party and the legislature of another. The use of the temporary commission was a device of a Republican legislature to control a Democratic governor. In the same way, Section 139 of the finance law of 1921 was invoked to secure legislative control of appropriations. The 1930 session may provide another chapter in this situation. If the legislature mutilates the executive budget by special acts, the governor can exercise his veto. Political exigency may, however, eliminate this, because the elections of 1930 are close at hand and the governors of New York have been particularly successful in state-wide appeals.

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Purchasing of Highway Equipment in Texas. Students of centralized purchasing give Texas the credit for being the pioneer state in the movement.¹ With the creation of the office of purchasing agent for the eleemosynary institutions in 1899, centralized purchasing in state government is said to have had its beginning. Purchasing organization in Texas remained unchanged until 1919, when, following an investigation into all departments by a legislative committee, a number of departments, including that of the state purchasing agent, were consolidated into a state board of control.

This board is composed of three members appointed by the governor with the consent of the Senate, for a term of six years, one member being appointed every two years. Each member receives \$5,000 a year. A division of purchasing is one of six divisions under the board, others being (1) public printing, (2) auditing, (3) design, construction, and maintenance, (4) estimates and appropriations, and (5) eleemosynary institutions. The board is authorized to appoint a chief of the purchasing division, whose qualifications are prescribed by law.² But since its organization in 1920, no chief of the purchasing division has been appointed, a member of the board taking direct charge of this division. In addition to the board member, four other people are engaged in the work of this division, including an assistant purchasing agent. No increase in personnel has occurred since the organization of the board. Responsibility is vested in the board for purchasing all supplies used by the departments and institutions of the state, including furniture and fixtures, and all other things except strictly perishable goods, technical instruments, and books.³

When the state highway department was created in 1917, it was allowed to handle its own purchasing. But in 1921 a law was passed providing that the board of control should make contracts for equipment and supplies needed by the highway department.⁴ In 1924 the legislature placed the duty of maintaining state highways upon the highway department, necessitating the purchase of several million

¹ Russell Forbes, "Purchasing for the Lone Star State," 10 *Texas Municipalities* 131-136 (1923); *ibid.*, *Governmental Purchasing*, 36 (1929); A. E. Buck, "Coming of Centralized Purchasing in State Governments," supplement to 9 *National Municipal Review*, 117-135 (1920).

² *Revised Civil Statutes of Texas*, I, arts. 601-606, 631-632 (1925).

³ *Revised Civil Statutes of Texas*, I, art. 634 (1925).

⁴ *Laws*, Thirty-seventh Leg., reg. sess., ch. 50 (1921).

dollars' worth of supplies and equipment each year for this work.⁵ During the last four years, several controversies have arisen between the highway department and the board of control as to their respective powers in purchasing. An analysis of these controversies and their solution will indicate the limits of centralized purchasing in Texas.

The first difference of opinion arose in 1924, when the highway department issued a requisition for certain automobiles by manufacturer's name, including two closed cars. The board of control requested an opinion from the attorney-general as to whether it was obliged to purchase identical cars for which requisition was made. The board said that it did not consider the purchase of closed cars economical for the state. The attorney-general, after reviewing the statutes under which the two departments operated, concluded that it was within the competence of the highway department to decide what supplies, tools, and equipment were necessary in the maintenance of roads, but that its requisition must be confined to stating the general type, quality, and specifications within reasonable bounds, without stipulating any particular brand or make. After receiving the requisition, the board of control acts as a purchasing agent. It is for the highway department to say whether it wants closed or open cars, that being within its right to determine the type and general description of cars desired; but it cannot specify brand or make in its requisition.⁶

During the administration of Governor Miriam E. Ferguson (1925-27), relations between the two departments were not satisfactory. Members of the board of control testified before an investigating committee of the legislature in October, 1926, that the highway department had practically ignored their organization in making purchases. The provisions of the law relating to emergency purchases had been abused, and where approval of the board of control for certain requisitions was refused, such requisitions were withdrawn and a rent contract made by the highway department with certain bidders, with the understanding that the articles rented would belong to the state at the end of the period.⁷

Governor Moody appointed an entirely new highway commission when he came into office in 1927, and there have since been no attempts to ignore the board of control in purchasing. But the two de-

⁵ *Laws*, Thirty-eighth Leg., reg. sess., ch. 75 (1923).

⁶ *Biennial Report of the Attorney-General of Texas*, 1924-1926, pp. 154-159.

⁷ *House Journal*, Fortieth Leg., reg. sess., p. 146 (1927).

partments have not always agreed on the equipment to be bought. In the purchase of a large equipment order in 1927, the two agencies differed as to the brand of tractors to be bought, the highway department, at the insistence of the board of control, finally agreeing to accept a certain number of tractors of the make desired by the board of control.

The last controversy between the two departments occurred in the summer of 1928. In June, the highway department requested the board of control to advertise for bids on 328 items of equipment totaling over \$420,000 in value. Bids were received on June 21, and on July 31 the highway department, by letter, submitted its recommendations for purchases to the board of control, stating brands and dealers' names. On August 27, the board of control transmitted to the highway department the recommendation of a majority of its members for purchase. The principal differences between the two recommendations were on tractors, graders, rollers, and trucks, sixty pieces of equipment in all. The highway department insisted that its recommendations be accepted, and the board of control stood on its judgment. The dispute between the two bodies continued for several months, was discussed in the press, and was brought to the attention of the governor and the legislature.

A statement of the arguments advanced by both sides will illuminate the main points of the controversy. The highway department insisted that its recommendations for equipment were based in every case on the lowest and best bid; its preference for a certain make of tractor, for instance, was based on the technical engineering knowledge and the unanimous recommendation of seventeen division engineers and thirty-four maintenance superintendents, as well as records of operating costs. In every case the department had recommended machinery which experience had demonstrated to be best adapted for its work. It had the responsibility for the construction and maintenance of state highways, and that should carry with it the right to determine the number, type, and quality of machines to be purchased. Delay in securing the equipment it desired was slowing up the work of road maintenance. No question of competitive bidding was involved, as no request for machinery by make had been made until bids had been received and tabulated. Highway machinery was technical equipment which, under the law, the department should be allowed to purchase without interference of the board of control. Finally, the department

pointed out that its recommendation would not only insure the most satisfactory purchase but would be more economical by nearly \$33,000 • than that of the board of control, based on exactly the same number of units of equipment.

On the other hand, the majority of the board of control were equally insistent upon the logic of their position. They pointed out that the law was on their side; the attorney-general had ruled in 1924 that the highway department could not force them to purchase specified brands of machinery. Their recommendation for a particular make of tractor was based on the superiority of the equipment, demonstrated by test, and greater economy of operation. Acceptance of their recommendation as to tractors would prevent all of the tractor business from going to one firm, which gave no discount to the state and had a short guarantee. Approximately \$25,000 of the difference in the cost of the items was due to the bids on one and one-half ton trucks. The original request of the highway department was for one and one-half to two ton trucks, and the advertisement had called for that type of equipment. The department later recommended the purchase of twenty-five one-ton trucks. To buy a one-ton truck, when the advertisement had been for a one and one-half ton truck, would be an injustice to bidders, which would probably result in an injunction.

Another difference of opinion arose over the letting of the contract for 1928-29 for gasoline and oil for the state departments and institutions. Over the objection of the highway department, the contract was let by the board to Company P. on the ground that theirs was the lowest and the best bid. The objection of the highway department was that the successful bidder did not have adequate facilities to serve the department, whereas another company, preferred by them, did. To give the contract to the latter company would save money.

As in 1924, the equipment controversy was referred to the attorney-general for decision. In his opinion on October 3, 1928, the legal adviser ruled that the opinion of his department in 1924 still prevailed. Regarding the respective rights and powers of the two departments in purchasing equipment, the attorney-general said: "It [the highway department] has the right to determine the number, the general type, and general quality of the machines or machinery that it needs for the purpose of meeting its responsibilities, but the law creating the board of control, . . . has reposed in it the authority to do the purchasing after the specifications are furnished. And in the purchasing of par-

ticular machinery, or other machinery, it is not bound by the recommendations or requests of the highway commission to purchase any particular name or brand of machine or machinery.'¹⁸

In his opinion the attorney-general referred to a previous ruling of his department made on February 3, 1927, in regard to a controversy between the board of control and the regents of the University of Texas over the purchase of furniture and draperies for a girls' dormitory. Unable to agree upon the bidder to receive the contract, the board of regents withdrew its requisition, and the board of control asked for a ruling from the law officer. The latter held that an institution could withdraw its requisition for a particular kind or make of furniture or equipment, provided the board of control had not entered into any contractual relation with any bidder on the requisition. This had not happened in the present case. In upholding the absolute power of the board of control to make purchases for state institutions and departments, the attorney-general ruled that "... the exclusive power to purchase furniture and equipment for the University of Texas is with the board of control; that such furniture and equipment must be as is especially adapted or designed for such institution and must be of the particular kind and make as requisitioned by such institution, and that the board of control has the discretionary power, to be reasonably exercised, to approve or disapprove of any particular kind and make of furniture and equipment, notwithstanding the requisition of the institution. After the requisition is made, and it, as to kind and make, has been approved by the board of control, the institution making the requisition has no further control over the matter, but it is within the exclusive province of the board of control to advertise for bids, pass upon the compliance with the advertisement by the bidders, and award the contract, without let or hindrance upon the part of the institution."¹⁹

In the absence of a court decision, these opinions of the attorney-general define the legal status of centralized purchasing in Texas. They leave no doubt that in the opinion of the legal officer the final power to purchase rests with the board of control. No department or institution can require it to purchase material or equipment which it does not wish to buy. On the other hand, the board seems unwilling

¹⁸ *Opinion of Attorney-General of Texas*, October 3, 1928 (not printed).

¹⁹ *Biennial Report of the Attorney-General of Texas*, 1926-1928, pp. 384-387.

to force departments or institutions to pay for purchases which they do not approve. The highway commission stated emphatically that it would not issue shipping instructions or approve invoices for payment for machinery which it did not endorse. If the board should enter into a contract for the machinery, opportunity would be offered to test by mandamus the refusal of the highway department to pay for it. This has not been done. The items in dispute in 1928 were finally withdrawn by the highway department. The University regents withdrew their requisition, and an unofficial agreement was made that the University should be allowed to purchase the desired equipment, since it was to be paid for out of funds provided by the donor of the building.

While withdrawal of disputed requisitions has twice temporarily relieved embarrassing situations, no steps have been taken toward a permanent solution. The appointment of the secretary of the highway commission as a member of the board of control has improved the personal relations between that body and the highway department. On account of the prominence assumed by the dispute, many expected that the Forty-first Legislature, which convened in January, 1929, would make some change in the law. But the only action taken by the legislature was to investigate, by committee, certain charges made against the highway department and the board of control, in the course of which the purchasing controversy was examined. The committee took no interest in the differences of opinion between the two agencies as to purchases, and made no recommendations as to a change of law or procedure; and no action was taken by the legislature.¹⁰

In outlining these controversies over purchasing there is no intention to leave the impression that centralized purchasing in Texas is a failure. On the contrary, these disputes are the exception. In ninety-nine per cent of the cases, a member of the board of control states, the requisitioning department and the purchasing division are able to agree.

The same struggle to define the limits of central fiscal control has occurred in other states.¹¹ Forbes says: "Purchasing for construction and maintenance of highways has been another storm center. In ten states with central purchasing offices, the highway department maintains its own buying organization." But, in the opinion of Mr. Forbes,

¹⁰ *House Journal*, Forty-first Leg., reg. sess., pp. 1487-89 (March 7, 1929).

¹¹ L. D. White, *Introduction to the Study of Public Administration*, 148-157 (1926).

exemption of the highway department from centralized purchasing is • unsound in principle. "Exemption from central purchase," he says, "should apply only to certain *classes* of commodities, and not to *all* the commodities needed by any state agency or class of agencies. The basis of exemption should be economy or the good of the agency concerned, and not political expediency."¹²

In a thoughtful discussion of the problem of the limits of integration, Professor White concludes that there are limits to the usefulness of fiscal supervision and control. "It goes too far in attempting to substitute its judgment on technical questions for the judgment of the department."¹³

Commenting editorially on the dispute between the highway department and the board of control, the *Dallas Morning News* said: "No doubt there is a good deal of human and natural stubbornness involved in the situation."¹⁴ Among the necessary qualifications of the purchasing agent, says Mr. Forbes, is tact. "Tact is required, too, for the purchasing agent's relationship with the officials of the using departments. . . . He should not try to force upon using departments his choice of quality, but rather should make every consistent effort, within the limits of established standards, to meet the demands and wishes of the users."¹⁵

There can be no doubt that, in securing harmonious and efficient administration, tact, prudence, moderation, and a respect for the powers and rights of other departments are equally, if not more, important than appeal to legal authorities. The evidence of the last few months indicates that such considerations are beginning to prevail in Texas.

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¹² Russell Forbes, *Governmental Purchasing*, 40-41 (1929).

¹³ White, *op. cit.*, 161.

¹⁴ September 22, 1928.

¹⁵ Russell Forbes, *Governmental Purchasing*, 69.

JUDICIAL ORGANIZATION AND PROCEDURE

EDITED BY WALTER F. DODD

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The Ohio Judicial Council Embarks on a Survey of Justice. In 1923 the first state judicial council in this country was established in Ohio. The Massachusetts act providing for such a council was introduced earlier and formed the basis for the Ohio law, but it was not adopted until 1924. The judicial council provided for by the Ohio law¹ was composed of the chief justice of the supreme court, two associate justices, the chief justice of the court of appeal, one common pleas judge, one municipal court judge, and three lawyers.

The council was charged with the duty of making a continuous study of the organization, rules, methods of procedure, and practice of the judicial system of Ohio, as well as the work accomplished and results produced by that system and its various parts. The results of this continuous study were to be reported biennially to the legislature, with such recommendations for the modification of existing conditions as the council might see fit to make. The council was authorized also to submit suggestions for the consideration of the judges of the several courts with regard to rules, practice, and procedure.

To accomplish its purposes, the council was authorized to hold public hearings, administer oaths, and require the attendance of witnesses and the production of books and documents. A witness giving false testimony, or failing to appear when duly summoned, was made subject to the same penalties to which a witness before a court is subject. The clerks of the various courts and other officials are required to submit to the council such reports as the council may prescribe.

The council went to work with enthusiasm. A large program of work was planned, but the initial appropriation of \$1,000 proved inadequate and the work was compelled to lapse. In the meantime other states followed the Ohio plan,² with the difference that some of

¹ *Laws of Ohio* (1923), 364; *Gen. Code*, pp. 1926, 1697.

² Since 1923, substantially one-third of the states have adopted some form of judicial council. Though varying in powers, personnel, and immediate program of action, all are actuated by one common purpose—that of making an organized attempt to work out the judicial problems of the state through the

- them were more generous in providing funds with which to work.³
- For example, California established a judicial council in 1926, and that body has been extremely active. Equipped at the outset with an appropriation of \$50,000, it inaugurated a survey of business in all the courts, and as a result entered upon a campaign to relieve overworked courts. In this matter it has apparently been quite successful. It has also made a study of readjustment of jurisdiction in the courts of review in the interest of greater efficiency.

In a short time the judicial council in California has learned much that should be known about the state's judicial problems, and it is taking steps to solve them. It must be noted, however, that the legislature has made this possible by substantial appropriations. In 1927 the sum of \$170,000 was appropriated, \$40,000 for the direct objects of the council and the remainder to pay extra compensation and travel expenses of assigned judges. A like sum was appropriated by the 1929 assembly, of which \$27,000 is available to the council directly, and \$143,000 is to be used for judges assigned to work outside of their counties. This carries the council to June 30, 1931.

But if the work of the Ohio judicial council was delayed at the beginning, the organization undertook a pretentious program when it once started, and there is now under way under its auspices a study in judicial administration which, if successfully carried out, may very well take its place alongside the important surveys which have been made in recent years in different parts of the country in the field of justice. Though conducted under the auspices of the judicial council, this study is being directed largely by the Institute of Law of the Johns Hopkins University, which has made the work possible by extending

united efforts of bench and bar. Whether they have been composed wholly of judges or of both judges and lawyers, there has resulted a systematic attempt to study the work of our courts with a view to improvement. In two states, lay representation is found in the judicial council; and in a number the attorney-general or a member of the general assembly is added. At this time, councils are in existence in Ohio, Oregon, Massachusetts, Washington, North Carolina, California, Rhode Island, North Dakota, Connecticut, Kansas, Virginia, Kentucky, Michigan, Texas, Illinois, Pennsylvania, Iowa, Idaho, and Wisconsin.

³For a review of the judicial council movement, see J. A. C. Grant, "The Judicial Council Movement," in this *Review*, November, 1928. Cf. "The Judicial Council Movement Reviewed," 13 *Jour. Amer. Judic. Soc.* 38-44 (Aug., 1929); "Judicial Councils in Theory and Practice," 42 *Harv. Law Rev.* 817-820 (Apr., 1929).

the help of its staff and financial resources. The survey is the first of several studies of state-wide scope which that institution will undertake in conjunction with state judicial councils.

Preliminary plans for the study were approved by the Ohio State Bar Association in the summer of 1929, and a representative committee of that association is assisting actively in the work. The attorney-general of the state and representatives of the leading law schools are also lending assistance. Indeed, before the survey is completed it is hoped to enlist the help of every agency in the state, research or otherwise, which has a substantial and continuing interest in the scientific study of legal and other social problems. The committee of direction⁴ is taking stock of these agencies as one of its preliminary steps. Its purpose is not only to provide a bibliography of research completed and under way, but also to lay the basis for co-operation with the research personnel which will be interested in the various aspects of the work of the survey.⁵ It is anticipated that this finding list will be completed during the spring.

Though plans for the survey are for the present largely tentative, they involve as a primary feature the formulation of a detailed scheme for the study of judicial administration in Ohio. To frame this detailed plan, a planning committee has been organized, composed of representatives of the key institutions and industries of the state. As the work proceeds, this group will be supplemented by various types of advisory committees. The planning committee will study the whole field in a preliminary way with a view to blocking out the specific detailed research tasks which should be undertaken and selecting the agencies and the personnel to perform these tasks.

A secondary feature of the work will be the formulation of an adequate system of judicial statistics. It is hoped that a system of records and statistics will be developed which will in future provide automatically much of the material which must at present be secured so laboriously. In working out this problem, careful attention will be given to

⁴ The committee of direction is composed of Chief Justice Carrington T. Marshall of the supreme court, chairman of the judicial council; John A. Elden of the Cleveland bar; Leon C. Marshall and Hessel E. Yntema, professors of law at the Johns Hopkins University.

⁵ For example, the Ohio Institute, a research organization with offices in Columbus, has received an appropriation of \$25,000 from the Bureau of Social Hygiene for a study of crime. This work will undoubtedly dovetail to some extent with that of the Institute of Law.

- the experience of other jurisdictions, to the existing literature on the subject, and to the results of specific studies now under way.

That we are in a pre-statistical era, as far as judicial business is concerned, has been pointed out more than once. In its preliminary investigations in this field, the committee found itself in uncharted waters. "Aside from criminal statistics," said Dr. Marshall, "only the crudest and most elementary statistical tables are available as records of our state courts."⁶ Though criminal tabulations have been made, they are for the most part rudimentary;⁷ and when it comes to interpretation of statistical data, and especially to correlation of judicial statistics with other types of statistical information, the void is quite complete.

Though the compilation of statistics in itself serves no purpose, the committee is of the opinion that without reliable judicial data from which to proceed, any attempt at a scientific evaluation of the judicial process is impossible. It would have been fortunate for the purposes of the survey if this work had already been done. Since it has not been done, and since it must be carried out as a means of making possible scientific work in law, the committee has undertaken the task. If it succeeds in formulating and installing in Ohio a system of judicial statistics that will show something, it will have accomplished a lasting service.

The problem of precisely what such records should show is one of

⁶In discussing the matter, W. F. Willoughby says: "There is an almost complete absence of statistical data regarding the operation of courts in the adjudication of civil cases. Nor is there much in the way of consideration of the problem of devising and operating a system for the collection and presentation of such statistics." *Principles of Judicial Administration*, 647. Albert Kocourek has also called attention to this dearth of statistical data in civil cases. See "The Need for Statistical Information in Civil Litigation," *Jour. Amer. Judic. Soc.* (Apr., 1918).

⁷Criminal judicial statistics have received more attention. (See Willoughby, *Principles of Judicial Administration*, 648-650). But even in this field much work must be done. Raymond Moley, in discussing the subject, says: "Such scanty reports as we have from a number of police departments, a few attorney-generals, and a few other officials are almost useless for comparative purposes. Records are likewise inadequate. A vast amount of criminal law administration is conducted without records. Much of the remainder is hidden in antiquated and inaccessible dockets, in irregularly filed court papers, and in the generally unintelligible and sometimes dishonest records of city police departments." *Politics and Criminal Prosecution*, 35.

great difficulty, since so little has been done to point the way. As tentatively outlined by the committee, the purposes governing the formulation and installation of the desired records center on several points: (1) the effective business organization and management of courts; (2) the compilation of data for the use of judges, legislators, judicial councils, scholars, and others interested in improvement of the judicial machine; and (3) the compilation of data which will show the legal process in its social setting, which of itself is a tremendous undertaking. The committee will probably experiment long and carefully before setting up a definite system of records to be used permanently.

On the side of research projects also, emphasis is being placed on permanent results. It is assumed that every such project undertaken will result in a valuable contribution in and of itself; and, in addition, that each separate project will fit into a comprehensive program of study of the administration of justice in the state.

The specific research tasks contemplated for 1930 involve at the outset: (1) an analysis of the civil judgments, and later an analysis of divorce cases and criminal prosecutions, in the common pleas courts; (2) a study of litigation in the courts of appeals and the supreme court; (3) an analysis of the work of the municipal courts. This survey will provide a continuous flow of objective data which will enable the committee to find out to some extent how residents of Ohio are affected by various types of litigation. It will lead to a series of studies concerning the human effects of the judicial process, such as the Institute of Law of Johns Hopkins University has been established to develop. The studies may show, among other things, whether the cost of litigation in time and money is disproportionate to the results; how litigation is affected by the character of the judiciary and the bar; the relationship of litigation to industrial background; and what procedural matters need special study.

The analysis of civil judgments (excluding divorces) rendered in the common pleas courts of Ohio, January 1, 1930, to December 31, 1930, will involve: (1) the preparation of data cards to be filled in by clerks in the various counties;⁸ (2) the setting up of special ma-

⁸ This is a tremendous task, and one which might easily meet with many difficulties under less fortunate circumstances. In the more populous counties, additional help in the clerk's office has already been required. The statute establishing the judicial council makes coöperation from such sources compulsory,

- chinery in jurisdictions in which the number of civil common pleas cases brought annually is too great to permit the clerks of court, in addition to their regular duties, to take upon themselves the additional burden involved in reporting on industrial cases; (3) reducing the data as to individual cases to code and transferring them to cards for the tabulating machines; (4) the analysis and interpretation of data; (5) the study of the whole field preliminary to the formulation of an effective recording system.

The data cards now in use require information as to the age, sex, residence, occupation, and status of the parties involved; the type of case; origin of case; trial or disposition of the case; the amount involved; the time consumed between the filing of the petition and the final disposition of the case; the time consumed between successive steps in the case, as, for example, the time between the filing of the petition and the beginning of the trial; and the time between the beginning of the trial and the satisfaction of the judgment.

The information secured should be very useful indeed. The evils springing from delay have been repeated to the point of monotony by all commentators on the judicial process.⁹ In California, Delaware, Idaho, North Dakota, Oregon, and Pennsylvania, legislative action has been taken to eliminate delay in criminal trials, including shortening the time within which appeals can be taken.¹⁰ If there is delay in Ohio, it should be demonstrated beyond dispute.¹¹ Steps might thereupon be taken in an intelligent fashion to correct the matter. In California,

not optional. This is important in getting the help of such officers. The fact that the survey is under the auspices of the judicial council and in active coöperation with the Bar Association gives greater possibility for the successful administration of it than any strictly private venture could hope to secure.

⁹ W. L. Ransom, "The Law's Delays—Causes and Remedies," *Proceedings of Acad. of Polit. Sci.*, vol. x, no. 3 (July, 1923), pp. 179-182; Robert F. Wagner, "The Law's Delays," *ibid.*, pp. 182-187.

¹⁰ Justin Miller, "Activities of Bar Associations and Legislatures in Connection with Criminal Law Reform," 18 *Jour. Amer. Inst. Crim. Law and Criminol.* 381 (Nov., 1927).

¹¹ "No single agency," declared Chief Justice Taft, "to induce Congress and the state legislatures to improve the administration of the criminal law could be more effective than the practical truth in respect to the condition of our courts in the prosecution of crime, and nothing could more stimulate a demand for greater speed in the disposition of civil cases in behalf of the litigating public than the truth as to the delays and congestion in the civil dockets." *Report of Federal Judicial Council, Attorney-General of U. S., Annual Report (1926)*, 7.

measures to clear the congested dockets were taken speedily when once the facts were definitely ascertained by the judicial council.¹²

Information is sought also concerning the number of cases involving traffic and installment sales. If the use of the automobile and the payment plan have added to the work of our courts, some accurate information with regard to the matter should prove useful. The data sheet containing these questions will be used for a short time, possibly three months, when it will be replaced by a revised sheet which will probably be more concerned with procedural matters.

The reason for selecting civil judgments in the common pleas courts for 1930 as the subject-matter for the first specific research inquiry is that, though over fifty per cent of the common pleas cases fall into this class, it is nevertheless practically neglected in Ohio judicial statistics. Any attempt at a complete study of judicial administration must await exploratory work in this neglected area. Fortunately, this field lends itself readily to an objective, statistical approach. The investigation, too, should arouse interest and secure the active participation of many persons throughout the state.

The analysis of litigation in the appellate courts of the state, which is the second specific research task to be undertaken during 1930, will be concerned, first, with litigation in the supreme court during 1927-28 and 1928-29. This will involve an analysis of some thirteen hundred cases, including cases on the merits and rejected motions to certify record. The study will be concerned, secondly, with an analysis of approximately three thousand cases in the court of appeals for the year January 1, 1930, to December 31, 1930.¹³

This field has been selected for immediate attack because of the relatively small number of cases to be covered, and also the relatively greater accessibility of the data (as compared with the common pleas civil judgments), which makes possible a fairly detached and precise analysis of this important section of Ohio's court work. It is also considered important to conduct some studies in the first year of the survey of a more intensive character than the general analysis of the common pleas civil judgment cases will provide. The proposed studies lend themselves readily to objective and statistical analysis, can be pushed to completion, and are well designed to secure active participa-

¹² *First Report of the Judicial Council of California* (1927), 29.

¹³ The data sheet for the appellate courts and supreme court will probably be put into operation by July 1.

tion by key persons in the state. They are also fundamental to the development of a state-wide system of adequate judicial statistics. The committee is insistent that the statistical records of all parts of the system shall be tied together.

A third specific task which is to be started during 1930 is an analysis of the work of the municipal courts. This study will undoubtedly be carried on well into 1931. This field has been selected for early study because of the importance of the municipal courts in the judicial scheme of affairs in Ohio. The number of cases tried in such courts would of itself justify early attention. In 1928, in the municipal court of Cleveland alone, 54,764 civil cases and 108,880 criminal cases were disposed of. This means a total of 163,644 cases, as compared with 93,385 common pleas cases in the entire state for the same period. Reports made on the large amount of litigation in the municipal courts are mostly inadequate.

From the point of view of the impact of the system of justice upon human welfare, the work of the municipal courts is strategic. Economic and social situations are involved which are only indirectly reflected in the work of the higher courts. A special advisory committee is now being organized and will recommend the direction which the study of the municipal courts can most effectively take, as well as the particular investigations which such a study will involve. Inasmuch as the jurisdictions of the common pleas courts and the municipal courts have a close connection, it is planned to study the two sets of courts, in so far as possible, concurrently. This will be especially helpful in establishing a satisfactory system of judicial statistics.

The specific research projects for 1929-30 here set forth are presented rather to suggest than to indicate definitely the scope and character of the survey contemplated. Though plans have been made for the complete undertaking, they are still largely tentative and experimental. The committee of direction is anxious to avoid drawing up a definite program until after it has made a careful study of available research personnel and has secured much counsel and advice in the matter.

Although no definite program is as yet possible, certain areas of study have been listed which will undoubtedly receive attention. These are: (1) the field of agencies concerned with law administration;¹⁴

¹⁴This might include: (1) the judicial machine proper; (2) administrative

(2) studies connected with the efficient functioning of these agencies;¹⁵ (3) studies connected with suggested changes in judicial administration;¹⁶ (4) studies in the field of legislation; (5) certain outstanding social aspects of the administration of justice;¹⁷ and (6) certain actual experiments which might be worked out.

Whatever lines the work may eventually take, it will be comprehensive; the directors of the survey are all quite agreed on that. The judicial council is concerned with securing a systematic analysis of the whole judicial system, and the Institute of Law is likewise interested in making a thoroughgoing state-wide study of the judicial

commissions engaged in law administration; (3) the relationship of the executive branch to law administration; (4) the work of non-governmental agencies engaged in law administration. The studies of the judicial machine proper would include studies of the supreme court, the appellate courts, the common pleas courts, the probate courts, the municipal courts, the domestic relations courts, the conciliation courts, etc. Public utilities commissions, workmen's compensation commissions, and such administrative commissions concerned with law administration would also be studied. In studying the relationship of the executive law administration, special investigations might be made of the work of the governor, attorney-general, prosecutors, police, sheriff, and coroner. Non-governmental agencies engaged in judicial work which might be studied would include commercial arbitration boards, boards of trade, trade unions, etc.

¹⁵ This might involve: (1) the statistical studies already mentioned; (2) studies of the personnel aspects of judicial administration, i.e., selection, tenure, transfer, promotion, education, removal, etc.; (3) studies of the bar of the state, legal education, requirements for admission, activities of the State Bar Association and local bar associations, etc.; (4) special studies in the substantive law, e.g., installment contracts, small loans, incorporation acts, etc.; (5) special studies in the procedural field; (6) special studies of administration of criminal justice, either a series of dovetailing studies or a comprehensive survey; (7) studies of the physical surroundings of the courts, e.g., quarters, architecture, adequacy, appropriateness, etc.

¹⁶ The whole problem raised by suggestions of having "a unified court" or "a ministry of justice" might be considered. Proposed modification of existing judicial machinery might be studied, e.g., different use of grand and petit jury, possibilities of securing "expert" juries, greater use of commercialized arbitration, and specialized courts for special purposes.

¹⁷ Studies might be made in the field of juvenile delinquency, divorce, etc.; in the cost of litigation, visible and invisible, to the participants and to the state and community; the costs of corrective institutions; the costs of wasted manpower, etc. The possibilities of psychology and psychiatry as tools to be used in the administration of justice might receive attention; also problems in connection with parole, probation, and penal institutions.

process in a populous state. Every effort is being made to organize the work thoroughly. Lawyers and judges are helping to form the program. Leaders in industry and business are to have a hand in the work, and the social scientists of the state will be called upon to extend their service. Judicial councils in other states will be consulted, and men who have gained valuable experience in similar surveys throughout the country will be called on for advice, and in some instances to take over particular portions of the study.

The survey would be an interesting experiment if judged from the viewpoint of technique and methodology alone. It represents an attempt adequately to organize technical research in a field of judicial administration, with its proper social setting given more than passing consideration. The study will not be limited to the actual operation of the courts, but will attempt to go beyond that and to look into the causes and effects of law administration in the social process. In doing so, it will give basis for much encouragement to those interested in a more intelligent approach to our social problems.

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FOREIGN GOVERNMENTS AND POLITICS

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Popular Participation in Swiss National Council Elections. It is difficult to compare popular participation in Swiss elections with that of any other democratic country in Europe. The smallness of the country, the rugged nature of the land, the diversity of languages, the strength of the traditions of local self-government, the variety of political institutions, and the multiplicity of elections make Switzerland a unique place for political experiments. The composition of the Swiss electorate is very similar to that of the French. Every Swiss male citizen, twenty-one years of age or over, is allowed to vote, unless excluded by the laws of the canton in which he resides. However, the duties of the French and Swiss electors are far from being alike. In France the electors vote every four years for the deputies, while in Switzerland there are elections on federal questions every year, to say nothing of the cantonal and municipal elections. The elections to the lower house of the Swiss national legislature, the National Council, are held every three years. These elections do not have the same importance as English or French legislative elections, because the Swiss constitution limits the powers of the national legislators. Furthermore, the Swiss plural executive system detracts from the dramatic quality of the National Council elections. The executive is not responsible to the lower house as in countries having the parliamentary form of government. Making allowance for the fact that some of the cantons have compulsory voting, one might expect to find a lower record for participation in elections to the Swiss National Council than in elections to the French Chamber of Deputies, the latter body having undivided national power and, in addition, control over the executive.

An examination of the national voting records of the respective countries shows that prior to 1919 interest in legislative elections was much less in Switzerland than in France. Since all the inhabitants are registered by the police, as in France, the lists of registered voters

- contain practically all the qualified electors.¹ In the canton of Zürich, the difference between the electors' lists and the census figures was about one per cent.² The figures can therefore be regarded as fairly accurate. Below is a table showing popular participation in Swiss national legislative elections since 1901:

Year ^a	Registered voters	Vote Cast (First balloting)	Per cent
1902	759,042	431,824	56.8
1905	780,792	439,169	56.2
1908	809,570	425,702	52.5
1911	829,759	437,766	52.6
1914	847,029	394,789	46.6
1917	913,040	548,212	59.9
1919	946,271	760,600	80.4
1922	983,238	750,859	76.4
1925	995,551	764,594	76.8
1928	1,043,823	822,389	78.8

Since the passage of a new electoral law in Switzerland in 1919, there has been little difference between the voting efficiency of that country and France. In order to understand the factors that have increased the size of the poll in Swiss legislative elections, it is necessary to describe briefly the election system in operation before 1919. Under the old system, the National Council was elected in part according to the majority block system and in part according to the single member district system. In each of the districts the candidates were elected who obtained a majority of the votes cast. If no candidate obtained a majority on the first balloting, a second balloting was held at which a plurality was sufficient. The effect of this system was to give the most numerous party in a given district a decided advantage and to discourage voting for minority candidates. In 1911, only 52.6 per cent of the registered electors took part in the election of national councillors. In the cantons of Tessin and Vaud, where the minority

¹ Schweizerische Statistische Mitteilungen, *Statistik der Nationalratswahlen, 1919, 1922, 1925, und 1928*, p. 17. In general, the number of registered voters is probably a little too high.

² A Senti, "Die Nichtwähler in Zürich," *Zürcher Statistische Nachrichten*, 1926, No. 4, p. 164.

³ The figures before 1919 were obtained from *Annuaire Statistique de la Suisse*, 1902, p. 309; 1908, pp. 347, 358; 1918, p. 289. The figures for 1919 and after are from *Statistik der Nationalratswahlen, 1919, 1922, 1925, und 1928*.

parties were weak, less than a third of the electors went to the polls. In the fall of 1914, only 46.6 per cent of the registered vote was cast. This falling off was caused by a truce declared between the parties at the beginning of the war. Three years later, the socialists broke away from the coalition and started a campaign of their own against the government.⁴ The unrest in the country and the challenge presented by the socialists brought out 59.9 per cent of the listed voters in 1917. However, this record was still far short of the French pre-war voting records. In the Catholic canton of Fribourg, only one-third of the vote was cast in this year. The experience of Switzerland before 1919 shows that the majority election system operating in a federal state with a council type of executive-legislative relationship does not bring out a large poll on election day.

At the middle of 1918 the minority parties in Switzerland presented a constitutional initiative providing for proportional representation in national elections.⁵ The Radical party, which held a majority in the national legislature, was compelled to discuss this measure, but refused to act favorably upon it. The proposition was then brought to a referendum vote, and the opposition of the Assembly was overruled by the people. The federal law of February 14, 1919, provided for the application of the new system in the fall elections. Each canton or half-canton was made an electoral district and assigned as many seats as its population contained the number 20,000. The four districts that contained less than this number were assigned a single seat each.⁶ In all other districts two or more representatives are elected and the principles of proportional representation are applied. Not later than twenty days before the election each party has the right to publish its list of candidates, undersigned by fifteen voters in the district and bearing a distinctive title. Each voter can vote for as many names as there are representatives to be elected from the district, but he is obliged to choose names from the published lists. Every vote which a candidate receives also counts as a vote for the party on whose list he is running. The voter is free, on his own initiative or

⁴ C. G. Picavet, *La Suisse* (Paris, 1920), p. 242; E. Fueter, *Die Schweiz seit 1848* (Zürich, 1928).

⁵ In 1900 and in 1910, similar proposals were voted down. W. Burekhardt, *Eidgenössische Wahlgesetzgebung; Das Proporzgesetz* (Bern, 1919). See also F. Fleiner, *Schweizerisches Bundesstaatsrecht* (Tübingen, 1923).

⁶ Unopposed returns were permitted in these districts.

on that of the party, to use his vote to help the candidates he likes best by writing the names of those candidates twice. This is known as the private or the official *cumul*. In order to assign seats, the total vote for each party in a given district is ascertained. A quotient is worked out on the basis of the total vote cast.⁷ Each party list is entitled to as many members in the National Assembly as the quotient is contained in its total vote. In case any seats are left after the first division by the quotient, they are assigned to the list which would have the highest average vote per seat if it received that seat. The candidates elected from a given list are those who receive the most votes. The system is practically the same as that used in many of the Swiss cantons.

The influence of proportional representation upon the size of the poll in elections since 1919 is unmistakable. It is true that the elections of 1919 were very hotly contested. The socialists hoped to be the chief gainers from the new law. They put forth extraordinary efforts during the campaign. The conservative elements, in turn, alarmed by the general strike which had been attempted the previous year and by the extreme demands of the socialist leaders, also put forth unusual efforts. When the returns were in, it was seen that 80.4 per cent of the registered vote had been cast, 20 per cent more than at any of the previous elections discussed. An examination of the detailed records shows that this increase cannot be accounted for alone on the ground that the socialist campaign aroused interest. The most marked increases came in the cantons where the Socialist party was very weak and the Catholic Conservative party correspondingly strong. In Fribourg, Solothurn, Ticino, and Valais, where the Protestant voters had been discouraged under the old system, there were 20 to 50 per cent increases in the size of the poll. These increases can be largely traced to the new system of voting. This conclusion is borne out by the fact that the poll in the elections of 1922, 1925, and 1928 did not fall below 76 per cent of the registered vote, although the element of uncertainty as to the socialist strength was lacking in these elections. The relative position of the parties has changed little since

⁷ The Droop quota is used. This quota is obtained by dividing the number of votes cast by the number of candidates to be elected plus one and completing the quotient to the next whole number. See C. G. Hoag and G. H. Hallett, *Proportional Representation* (New York, 1926), p. 421.

the first application of the new law.⁸ Proportional representation in Switzerland has stabilized the party situation and has kept the interest in national elections at a fairly high level in spite of the peculiar form of the Swiss government.

An analysis of the size of the vote cast in the different cantons at the 1925 National Council elections brings to light many interesting features. The highest voting records were found in those cantons having compulsory voting. As far back as 1835, the canton of St. Gall made absence from the district assembly elections, without sufficient excuse, punishable by a small pecuniary fine. This law, as re-enacted in 1867 and 1890, specifies a series of legally valid excuses, which include "illness in the family, mourning for a relative, absence, birth in the family, and official business." In the five German cantons where obligatory voting has been longest in operation, the size of the poll has been uniformly higher than in the rest of the country. In the 1911 elections, 74 per cent of the registered vote was cast in the cantons having compulsory voting, while only 43 per cent was cast in the cantons without. In 1928, the poll in both classes of cantons was much higher, due to the influence of proportional representation; but the cantons with compulsory voting still maintained a marked superiority over the others. In the former group, 86 per cent of the registered vote was cast; in the latter, 72 per cent. Thus it can be said that compulsory voting in Swiss cantons where it has been tried has been a considerable stimulant to voting, irrespective of the system of representation.

The methods used to compel the voters to exercise the suffrage differ somewhat from canton to canton, and there is a corresponding variation in their effectiveness. In Zürich, every voter is obliged to return the envelope which serves for purposes of identification, either with or without a ballot, within an interval of two days after the election or pay a fine of one franc to the collector who comes after the envelope. In Schaffhausen, non-voters are punished with a fine of one franc; in St. Gall, two francs; in Aargau, from one to four francs; and in Thurgau, one franc.⁹ Since 1924, compulsory voting has been

⁸ The best analysis of post-war election statistics is found in *Statistik der Nationalratswahlen, 1919, 1922, und 1928*. See also H. Joneli and E. Wyss, "Statistik der Nationalratswahlen von 1919 und 1922" *Zeitschrift für schweizerische Statistik und Volkswirtschaft*, 1923, vol. 136, pp. 77 ff.

⁹ F. Bonjour, *Real Democracy in Action*. In St. Gall, voters over 60 years of age are excused.

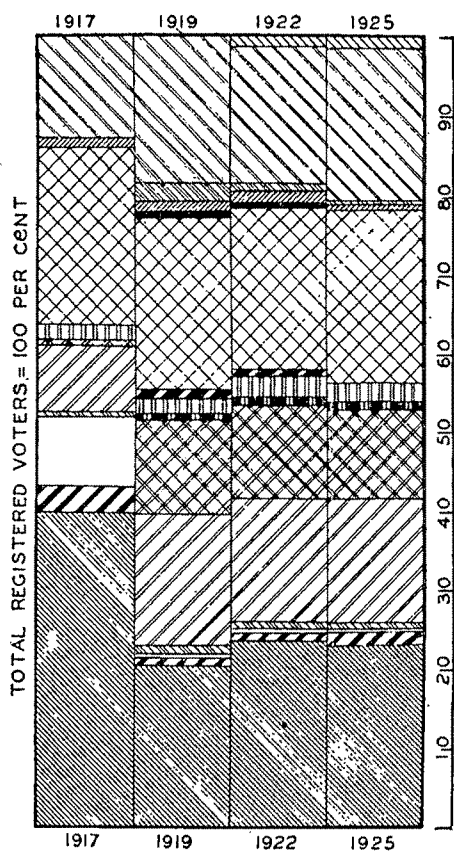
FOREIGN GOVERNMENTS AND POLITICS
















- applied in the canton of Vaud to all votings on federal measures. Although the law applied only to the vote on propositions, it had indirect effect upon the participation in the 1925 National Council elections. According to the law, every eligible voter who does not take part in the federal popular law-making process is obliged to present an excuse in writing to the prefect within two days after the election. Illness or absence from the commune are admissible excuses. Unexcused absences are made subject to a penalty of 5 francs. Although the French Swiss do not look with favor upon compulsory devices, the effect of the law of 1924 was immediate. In 1922, under the voluntary voting system, 67 per cent of the registered vote was cast in this canton, while in 1925 and 1928, under the compulsory system, over 83 per cent was cast. While this record is not as high as that in Schaffhausen, where 92 per cent of the electors came to the polls in 1925, the number of blank ballots in Vaud was only one per cent as compared with 6.4 per cent in Schaffhausen.¹¹ While the operation of compulsory voting in Switzerland is not as efficient as in Belgium, it is nevertheless a useful device in notifying the Swiss citizens of their many electoral duties. In all the cantons where it has been used, it has lightened the burden of the party organizations in getting out the vote.

Among the cantons without compulsory voting, some have much poorer voting records than the others. It is easy to understand the causes of non-voting in the Catholic *landesgemeinde* cantons of central Switzerland. Obwalden, Nidwalden, and Uri each return a single member to the National Council, and the election is held on the majority principle. Since the result in these districts is a foregone conclusion, it is hard to bring the voters to the urns. It is more difficult to explain the causes of the relatively large amount of indifference to voting in the cantons of Geneva, Neuchâtel, and Ticino. In Geneva, between 50 and 60 per cent of the electors come to the polls in national elections. In these cantons, especially Geneva, there is a proportionately larger number of naturalized citizens. It would be expected that the naturalized Swiss would show less interest in

¹⁰ *Loi du 17 novembre 1924 sur l'exercice des droits politiques* (Lausanne, 1924).

¹¹ Schaffhausen has the worst record in this respect. In all the cantons having compulsory voting taken together, 1.6 per cent of the ballots were blank, 1.2 per cent spoiled, in 1928.



- | | |
|--|---|
|  COMMUNISTS |  EVANGELICAL PEOPLES PARTY |
|  SOCIAL DEMOCRATS |  PEASANTS PARTY |
|  GRUTLIANER |  CATHOLIC PEOPLES PARTY |
|  DEMOCRATIC WORKERS PARTY |  OTHER PARTIES |
|  YOUNG RADICALS |  INDEPENDENT |
|  INDEPENDENT DEMOCRATS |  BLANK & NULL |
|  LIBERAL (JURA PEOPLES PARTY) |  NON-VOTERS |
|  LIBERAL DEMOCRATS | |

- tional politics than do the native-born Swiss. Besides, a multiplicity of elections in these cantons has worn out the patience of the voters. These cantons have had the longest experience with proportional representation for their own cantonal elections, and the federal law of 1919 was less of a novelty.

Electoral devices such as proportional representation and compulsory voting are useless unless the vital forces of party organization are behind them. This is true in Switzerland as in other democratic countries, in spite of the fact that authors like Bryce¹² and Brooks¹³ have commented upon the placidity of Swiss politics. Popular participation in national legislative elections is now only slightly lower in Switzerland than in France or in pre-war Britain. It is obvious that the party organizations have responded to the challenge of the new system.¹⁴ This result is shown diagrammatically in the accompanying chart.

One of the strongest national parties in Switzerland at the present time is the Independent Democratic (Radical) party, which polled 220,135 votes in 1928, or 27 per cent of the total vote cast.¹⁵ In the days before the electoral law of 1919, this party had a majority in its own right in the National Assembly. Under the new law the party suffered defections in some of the cantons. However, the party is still the chief organ of political expression of the peasants, the merchants, and the business men in the Protestant cantons. It holds annual meetings to decide upon important questions of policy, but it is built on cantonal rather than national lines. At the 1926 conference of the party the referendum on the wheat monopoly was discussed and passed upon.¹⁶ The vote on this measure showed that the party was far from united. The Germanic elements, which predominate, are conservative

¹² J. Bryce, *Modern Democracies* (New York, 1921), vol. I, p. 423.

¹³ R. C. Brooks, *Government and Politics of Switzerland* (Yonkers, 1918), p. 305.

¹⁴ In 1928, party strife was severe in the following cantons: Luzern, Schwyz, Fribourg, Solothurn, Grisons, and Valais. In each of these cantons, over 80 per cent of the registered voters took part. In all but Grisons and Valais, around 85 per cent took part. On the parties of Switzerland, see Reichesberg's *Handwörterbuch*, vol. I, pt. 1, pp. 245-94, "Politische Parteien."

¹⁵ The figures for total party votes must be estimated. The method of making estimates is explained in *Schweizerische Statistische Mitteilungen: Statistik der Nationalratswahlen, 1919, 1922, 1925, und 1928*.

¹⁶ *Journal de Genève*, May 19, 1926.

and centralistic, whereas the minority French-speaking group is opposed to centralization and more socialistic. Since the party has never been as thoroughly organized as one of the major American or English political parties, it does not have a highly efficient electoral organization. However, in German Switzerland it has the support of the most powerful newspapers and can rely upon wealthy individuals for campaign funds.

The oldest rival of the Independent Democratic party is the Conservative Catholic party, which, like the other Catholic parties of Europe, is founded upon a strictly religious basis. After their defeat in the Sonderbund war of 1847, the Catholics formed a political group to further their peculiar interests. The party now has almost undisputed control in the Catholic cantons of central Switzerland. The federal election law of 1919 encouraged both the Catholic and Protestant elements in these cantons to poll their full strength in national elections. Since the Catholic Conservative party is not equally important in all parts of the country, it is a strong cantonal rights party, especially in matters of education. In the 1928 general elections, its candidates received a total of 172,516 votes, which was 21 per cent of the total vote cast. In the industrial cantons of Solothurn and St. Gall, there is a Christian Socialist party made up of Catholic workingmen. However, the backbone of the party is composed of the peasants in the mountain communities, who are deeply attached to their church. In the Catholic *landesgemeinde* cantons, political and religious rites are very closely connected.

The introduction of proportional representation in Switzerland brought a new political group into national politics. At the 1919, 1922, and 1925 elections there were Peasants' party lists in the cantons of Bern, Zürich, Aargau, Thurgau, and Schaffhausen. It can hardly be said that a new national party had been formed, as these lists were put up by cantonal groups which had existed before.¹⁷ A Peasants' party had been formed in Zürich in 1917, and one had been founded in Bern in 1918. However, in the national elections of 1928 the Peasants' party candidates received 126,961 votes, about 15 per cent of the total vote cast. This vote by no means represents the total electoral strength of the farmers in Switzerland. In most of the can-

¹⁷ *Mitteilungen des Schweizerische Bauernsekretariates: Erhebungen über den Stand des landwirtschaftlichen Vereins und Genossenschaftswesens in der Schweiz im Jahr 1920* (Brugg, 1922).

tons the farmers still align themselves with the traditional political parties. The union of Swiss farmers (*Bauernverband*), founded in 1897, under the leadership of men like Dr. E. Laur, had a total membership of 364,000 in 1921. This body is a loose federation of agricultural societies, and it strongly discourages the formation of a national Peasants' party, which would challenge its own influence. The cantonal Peasants' parties have cut most deeply into the strength of the old Independent Democratic party. On most questions this new group is conservative, anti-socialistic, and ardently patriotic, but on the wheat monopoly issue it united with the groups of the left. The only national tie between the Peasants' parties is the parliamentary union of the successful candidates. Electoral matters are handled entirely by the local societies.

The Social Democratic party is the most highly organized of the four principal party groups in the country. Its constitution is very similar to that of the German Social Democratic party. Membership depends upon prompt payment of the party dues and strict adherence to the national declaration of party principles.¹⁸ The general program of the party includes opposition to militarism, the nationalization of the principal industries, the imposition of a capital levy, the prohibition of alcoholic drinks, the election of judges, and the adoption of a liberal labor code.¹⁹ In general, the party favors the strengthening of the national government at the expense of the cantons. The party is strongest in the urban and industrial centers of Protestant Switzerland and weakest in the rural Catholic cantons. The cantons of Zürich, Bern, and urban Basel furnish one-half of the membership. The party has control of a larger proportion of the electorate in the canton of Aargau than in any other canton (29 per cent of all registered voters), but in no canton has it ever approached majority control. This situation may account for the fact that the Socialist party in Switzerland has had a less stimulating effect upon the size of the vote than the socialist parties of France, England, or Germany. It is difficult to trace in Switzerland any direct connection between the size of the socialist vote and the size of the total vote.

The Swiss Social Democratic party is not as highly organized as the British Labor party. It is not directly connected with the trade

¹⁸ *Partei Mitgliedsbuch, Statut der Sozialdemokratischen Partei der Schweiz.*

¹⁹ *Ibid.*

unions and coöperatives, although most of its members are. In the 1928 elections it received 220,141 votes, or 27 per cent of the total vote cast. The actual number of socialist members in the National Assembly was increased from 19 to 41 in 1919 as a result of the application of the system of proportional representation. The number of dues-paying members in the party declined from 50,000 in 1920 to 32,000 in 1925,²⁰ but this did not mark any falling off in the socialist vote. The members of the party are divided into some 580 sections. The principal party organs are the executive committee, the central committee, and the annual congress. The congress is concerned primarily with matters of policy. It is composed of delegates from the local sections, members of the central committee, and the socialist members of the National Assembly. The decisions of the congress may be referred to a referendum vote of the party members. In 1919 the members of the party repudiated the decision of the congress to join the Third (Moscow) International. Thus it appears that the rank and file are less advanced than the leaders, many of whom were born in Germany and became naturalized Swiss. Social Democratic newspapers are found in fourteen cantons. Some of them are subsidized by the central organization, and all of them are devoted wholeheartedly to socialist propaganda. At election time, the party is active in organizing canvassers, holding meetings, and distributing circulars. A study made in Urban Basel showed that the discipline of the party as measured in terms of the percentage of straight party votes cast was greater than that of any of the middle-class parties.²¹

The four principal party groups in Switzerland have now been discussed. Passing mention should be made of some of the lesser parties, since they typify in some ways the localistic character of Swiss politics. On the conservative side, there is the Liberal Democratic party, which is found only in four Protestant cantons of western Switzerland, namely, Urban Basel, Vaud, Neuchâtel, and Geneva. In its economic policies, this party is very close to the Independent Democratic party. It has persisted as a separate organization because it has the support of some wealthy men and some powerful newspapers. In national elections it polls slightly less than four per cent of the total vote cast.

²⁰ Sozialdemokratische Partei der Schweiz, *Geschäftsbericht pro 1925*.

²¹ *Basler Nachrichten*, October 27, 1925. Less than two per cent used their right of *panachage*, or splitting the ticket, as compared with eight per cent in the Independent Democratic party.

- Recently it has shown a tendency to combine with the other conservative groups against the socialists and young radicals. On the other end of the political scale is the Communist party, which was established in Switzerland in 1922 under the influence of the German example. In the 1925 elections its candidates received less than two per cent of the total vote cast. It drew practically all its strength from Urban Basel, Schaffhausen, and Zürich. Small in numbers, it maintained a rigid discipline; the Urban Basel study showed that a larger proportion of its members voted a straight ticket than any of the other partisans. The other minor parties, confined as they are to a few cantons, are based upon religious or economic foundations and are of practically no importance nationally.²²

At election time the Swiss parties use the methods of propaganda that are common in other countries. In western Switzerland, campaign tactics are very similar to those used by the French. Election posters are put upon temporary stands located in prominent places. Public meetings are held in cafes, brasseries, school houses, and communal halls. Each city has a fine "electoral hall" at which the important meetings are held. The tone of the speeches at the larger meetings is dignified and fair. The speakers deal with the leading issues and do not indulge in personalities. The principal newspapers defend their views in a dignified fashion, but occasional scurrilous sheets are likely to appear. In German Switzerland, the campaign methods are more in accordance with Teutonic practices. The election posters appear only on the cylindrical posts reserved for advertising purposes; all parties buy advertising space in the official city newspapers; and because of the greater use of compulsory voting, the parties lay less emphasis upon emotional demonstrations to get out the vote.

Even though the parties have done their best to arouse interest in the election, many voters may fail to come to the urns if the voting arrangements are unduly burdensome. In Switzerland, as in France, Belgium, and Germany, elections are held on Sunday. Thus it cannot be said that Sunday elections are confined to Catholic countries. The voting process itself is a very simple one. There are no official ballots, but the parties are required to print their ballots and submit them to the officer in charge of the election twenty days before the

²² The Democratic and Workers' party in St. Gall and Thurgau, the Evangelical Peoples' party in Zürich and Basel, and some lesser groups.

day of the election. These printed ballots are placed inside the polling booths. In most of the cantons, the name of each voter is crossed off the register as he votes and he is given an *estampille*, or gummed label, which is signed by a member of the election board. In order to vote, the elector moistens his *estampille* and places it on one corner of the ballot which contains the candidates of his choice. This procedure insures the secrecy of the ballot and is also a fair check against repeating. In some of the cantons the voting system resembles more closely the envelope plan of France or Germany. In Zürich, each voter is sent an official envelope with all the party ballots inclosed. Here the voting proceeds briskly and each voter loses a minimum of time. If a voter wishes to make changes which cannot be readily marked on one of the printed ballots, he is furnished a blank ballot. Although elections are quite frequent in some of the cantons, national elections come once every three years and are never coupled with numerous local elections as in some American cities.

The question of non-voting can be studied to an advantage in Switzerland, because some of the cantons have kept very full election statistics. In the canton of Zürich, popular participation in National Council elections has been analyzed by the smallest election areas.²³ A study of these returns shows that interest in voting is greater in the purely agricultural regions than in the industrial and urban districts. For this, the organization of the Peasants' party may be in part responsible. In addition, it should be noted that the transient populations and the naturalized citizens found in the cities are harder to organize for political purposes than the stable native Swiss in the country districts. This same tendency has also been found in the cantons of Bern and Vaud.²⁴

In Switzerland, as in Belgium, voting has come to be recognized as a public function. In six cantons, compulsory voting is employed. The National Council is elected by a system of proportional representation which gives recognition to practically all the minority groups. The old majority system of representation, which discouraged voting in some parts of the country, has given way to a system which insures nearly all the voters that their ballots will count. Elections are held on Sunday, and in the *landesgemeinde* cantons they are followed by a

²³ *Statistik der Wahlen in den Nationalrat in Kanton Zürich, 1919.*

²⁴ *Statistik der Nationalratswahlen, 1919, 1922, und 1928.*

religious ceremony. The result of this attitude toward voting is that it has not been necessary for the Swiss to elaborate the same kind of party organizations and campaign techniques that are found in Anglo-Saxon countries. They do not have the same need for paid party agents or professional politicians as do the British and the Americans.

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The Czechoslovak Advisory Board for Economic Questions. A characteristic post-war institutional development has been the appearance, under one guise or another, of instrumentalities for the representation of functional or economic interests. There is scarcely a nation in Europe that has not in some fashion taken cognizance of social and economic groups by their recognition through definite legal agencies. Witness the Italian lower house, with representation based upon Fascist corporations; and note the Consiglio Superiore dell' Economia,¹ the German Reichswirtschaftsrat,² and the Conseil National Économique of France.³ These bodies are too well known to warrant comment. Czechoslovakia, however, has an agency for expert economic counsel and guidance that challenges comparison and invites examination. Her Advisory Board for Economic Questions is noteworthy as one of the most carefully contrived of institutions for the representation of interests and classes. This board, together with the bodies just mentioned,⁴ demonstrates the working compromises that have been made with parliamentarism in view of the ever-increasing technical complexities of the present day "public-service state."

Functional representation is recognized in varying forms in a large number of countries.⁵ The mere extent of this development is signifi-

¹ Herbert W. Schneider, *Making the Fascist State* (New York, 1928), chap. iv., Carmen Haider, *Capital and Labor Under Fascism* (New York, 1930); Gerhard Leibholz, *Zu den Problemen des faschistischen Verfassungsrechts* (Berlin, 1928), p. 12 ff. For the relationship of Fascism to professional representation, see B. Mussolini, *Fascismo e sindacalismo* (Milan, 1925), pp. 269 ff.

² H. Finer, *Representative Government and a Parliament of Industry* (London, 1923); Von Siemens, "Germany's Business Parliament," *Curr. Hist.*, Sept., 1924.

³ Edith C. Bramhall: "The National Economic Council in France," in this *Review*, Aug., 1926.

⁴ For a general discussion of these four councils, see the writer's article "Legalized Lobbying in Europe," *Curr. Hist.*, Feb., 1930.

⁵ The U.S.S.R., while accepting a vocational rather than a geographical basis

cant of the change in attitude that is taking place toward the state. The concept has been acknowledged in word, if not in action, in the constitutions of Yugoslavia,⁶ Poland,⁷ and Danzig.⁸ By decree or statute, the principle has been accepted in Spain,⁹ Turkey,¹⁰ Mexico,¹¹ and Japan.¹² Estonia, Latvia, and Luxembourg must likewise be added. There has been agitation in Norway for an economic council.¹³ Plans have been considered toward this end in Greece, Austria, Rumania, and Portugal.¹⁴ That Great Britain has established an Economic Advisory Council under the chairmanship of the prime minister was announced in the House of Commons on January 22, 1930. This council took over the functions of the committee on civil research, and is to extend its activities so as to constitute "a brain for thinking and acting for an industrial state."¹⁵ Perhaps the most outstanding development in the United States comparable to the innovations abroad was the recent action of President Hoover in calling into formal consultation leaders in commerce and industry.¹⁶

of representation, is in so clear a sense *sui generis* as to be beyond the scope of this discussion.

⁶ Article 44. See discussion in Charles A. Beard and George Radin, *The Balkan Pivot: Yugoslavia* (1929).

⁷ Article 68.

⁸ Articles 45, 114.

⁹ Royal decree of March 8, 1924, establishing the Consejo de la Economía Nacional. *Boletín de la Revista General de Legislación y Jurisprudencia* (1924), tome 188, p. 270 ff.

¹⁰ Law of July 24, 1927.

¹¹ For the Mexican law, see *United States Daily*, Sept. 28, 1928, p. 2.

¹² Imperial ordinance of Apr. 1, 1924.

¹³ *Informations sociales du Bureau international du Travail*, March 24, 1925.

¹⁴ Friedrich Glum, *Der deutsche und der französische Reisewirtschaftsrat* (Berlin and Leipzig, 1929), p. 10; also M. M. Dendias, *Le Problème de la chambre haute et la représentation des intérêts à propos de l'organisation du Sénat* (Paris, 1930).

¹⁵ *Manchester Guardian Weekly*, January 24, 1930, p. 66. A White Paper setting out the scope and functions of the new council will be issued shortly.

¹⁶ In an editorial of December 28, 1929, commenting favorably upon President Hoover's move, the *Saturday Evening Post* suggested that a "definite organization" be devised for calling into periodic conferences the leaders of industry. They, "from the very nature of modern life, constitute a sort of third house whose operations are at times even more essential than those of Congress itself." See also the suggestion of a former prominent lobbyist of the Na-

In the light of this widespread development, the question may well be raised as to the place of such functional representative bodies within the governmental structure.¹⁷ The answer may be considered in connection with any one of the councils that has been in operation over a period of years, and, it is submitted, the same general conclusions will be reached. If Czechoslovakia's Advisory Board is studied, the deductions made therefrom are not fundamentally different from those which follow from a study of similar bodies in other countries. Thus the problems encountered in Czechoslovakia, it is believed, have a wide significance.

The Advisory Board for Economic Questions was instituted under authority granted in Article 90 of the constitution, which reads as follows: "State offices charged with economic functions, but without

tional Manufacturers Association, in Nathan Williams, "Advisory Councils to Government," *Annals of Amer. Acad. Polit. and Soc. Sci.*, Jan., 1930, pp. 146-149.

¹⁷ There is a rather extensive literature in French and German upon the subject of functional representation in general and of economic councils in particular. The following list is by no means exhaustive: Francis de Benoit: *La Représentation politique des intérêts professionnels* (Paris, 1911); Marcel Prélôt: *Étude sur la représentation professionnelle en Allemagne* (1924); Martin Saint-Léon: *Histoire des corporations de métiers*, 2ième éd.; *L'Organisation professionnelle* (1905); *Les Systèmes de la représentation nationale des intérêts économiques en France et à l'étranger*; Henri Rollet, *Les Chambres d'agriculture* (1926); Camille Lautaud et Andre Poudenx, *La Représentation professionnelle* (1927); Sava Moyitch, *Le Parlement économique*; Gabriel Carrière, *La Représentation des intérêts et l'importance des éléments professionnels dans l'évolution et le gouvernement des peuples* (1917); Jacques Martin, *La Représentation politique des intérêts économiques: une solution: les conseils économiques régionaux* (1928); Léon Bouvier, *La Représentation des intérêts professionnels dans les assemblées politiques* (1914); M. Vermeil, *Le Conseil économique du Reich* (Vienna, 1923); Friedrich Glum, *Der deutsche und der französische Reichswirtschaftsrat. Ein Beitrag zu dem Problem der Repräsentation der Wirtschaft im Staat* (Berlin and Leipsiz, 1929); Heinrich Herrfahrdt, *Das Problem der berufsständischen Vertretung von der französischen Revolution bis zur Gegenwart* (Stuttgart, 1921); S. Schäffer, *Der vorläufige Reichswirtschaftsrat* (Munich, 1920); Edgar Tatarin-Tarnheyden, *Die Berufastände, ihre Stellung im Staatsrecht und in der deutschen Wirtschaftsverfassung* (Berlin, 1922); Hauschild, *Der vorläufige Reichswirtschaftsrat, 1920-1926* (Berlin, 1926); (Dr. Hauschild, bureau director of the Reichswirtschaftsrat, now has under preparation a second volume dealing with the work of the council since 1926); George Bernhard, *Wirtschaftsparlamente von den Revolutionsraten zum Reichswirtschaftsrat* (Berlin, 1922).

executive power, shall be established and organized by governmental decrees." In accordance with this provision, an economic advisory agency was set up by the government in 1919. This innovation by no means proved an unqualified success. Although a need was evinced for a technical advisory organization to aid Parliament, the establishment of the preliminary council was not greeted with enthusiasm. The laboring classes felt that inasmuch as they possessed considerable influence in the legislative body, an economic council might prove a hindrance to their power. Employers and business men, on the other hand, did not believe that the board could acquire much authority; while there were those in Parliament who viewed the new body as a potential rival in legislative control.

No clear delimitation has been made as to the precise sphere that an economic council is to occupy in relation to the other branches of the government. In greater or less degree, certain functions in the law-making process are assigned to such agencies. This is the case in Germany and France as well as in Czechoslovakia and elsewhere. But the right of limited participation does not convert an economic advisory board into a legislative body. There is a difference in essence between the two. The latter is inherently political in nature; and politics is concerned primarily with moral judgments on the facts of human activity. An economic advisory body has to do with the ascertainment of fact. A political body must answer the question, *Ought* a thing to be done? Unless one is to accept a specious doctrine of economic determinism, moral judgment cannot be eliminated from political affairs. If this responsibility of decision is fundamental to politics *per se*, what sort of social instrumentality is best adapted to attainment of the end in view? Not an assembly composed of spokesmen of special interests whose chief concern, both in fact and in theory, is with their particular group interests. If representative government is to survive, and if popular responsibility is to remain a premise, an easy surrender must not be made to the technician. The expert, in examining a problem, prognosticates certain consequences as the result of certain assumptions. From this course, this outcome; from another course, that outcome. But the selection of alternatives is beyond his province. Ultimates and aims are political; the ways and means, economic. The former may be met by a political assembly representing the general sense of the community; the latter, by a body of technicians speaking as the exponents of various expert attitudes. General

consent is an essential to the first; a trivial incident to the second. • The cleavage between economic facts and moral inclinations remains. Each one influences the other, but they remain distinct. The one is the task of the vocational advisory agency; the other of a political assembly.

If this differentiation of function is recognized, it follows that an industrial parliament does not have to be representative in the same sense that a political congress should be. The aims of the two bodies are basically dissimilar. A parliament must deal with facts and figures in arriving at its judgments. But the economic assembly should not have to depend upon a general social consent to support its recommendations. It need be representative only to the extent of including such a cross section of technical knowledge within its membership that the highest degree of expertness will be ensured.

The present council in Czechoslovakia, as reorganized and instituted in 1921, does not take sufficiently into consideration the distinctions just made. Today, the Advisory Board for Economic Questions consists of 150 members.¹⁸ Of these, 60 representing laborers and salaried employees in industry, business, trade, and agriculture are nominated by their respective unions, and afterwards automatically accepted and appointed to the Board by the government. This likewise holds in the case of the spokesmen of the employers. The farming and industrial employing class select 60 members through functional organizations such as the Association of Czechoslovak Banks, the Central Association of Czechoslovak Industrials, the Trade Council, and the Chambers of Commerce. The remaining 30 members are chosen directly by the government from the ranks of economists or others in the important liberal professions. At least four of this number are picked as representatives of consumers.

This apportionment of membership makes the body primarily representative of vocational and economic forces, inasmuch as only one-fifth of the members—those chosen directly by the government—have a broader representative basis. In other words, the primary consideration apparently was to secure a fair cross section of the economic life of the nation. The representative character *per se* of the Board is

¹⁸ For the pertinent statutes and a description of the structure of the Advisory Board, see the pamphlet issued by the *Ministerstvo Obchodu* entitled *Poradní sbor pro otázky hospodářské*.

greatly stressed. This is further emphasized if the internal composition of the three chief groups is considered. The 60 members representing the employers are carefully subdivided according to the following arrangement. Fifteen stand for agriculture; and of these, seven are selected from Bohemia, three from Moravia, two from Silesia, and three from Slovakia. Of the 25 industrialist delegates, two speak for the central organization of industry, four for the mining interests, two for textiles, two for metallurgy, and one each for sugar, spirits, brewing, milling, malt, foodstuffs, wood, paper, building materials, porcelain, glass, ready-made clothing, hides, leather, and chemicals. Of the representatives of banking, two represent municipal savings banks; one, private savings banks; one, insurance companies; and four, other types of banking institutions. The State Artisans' Council, an advisory body dealing with matters of concern to artisans and traders, sends nine members, while the chambers of commerce for industry, artisans, and commerce each send a delegate.

In the case of the 60 representatives of labor, all trade unions are taken into account whose membership constituted at least one-sixtieth of the total membership of all labor unions during the year prior to the selection of candidates for the Board. Among the unions that qualify under this rule, the right to nominate members is distributed in proportion to the membership of the union. So far as the legal structure of the Board is concerned, it would appear that every effort has been made to render the composition of the body as broadly representative as possible.¹⁹ The distribution of delegates among various specific industries and sections of the country seems to be even broader than that of the German Reichswirtschaftsrat.

¹⁹ In a letter to the writer, a Czech student of public affairs, expressed this opinion: "The Board is composed in such a way that it gives the impression that it represents farmers, manufacturers, merchants, and entrepreneurs—as well as wage-earners and even men of science. But in reality it is a representation of entrepreneurs—of the chief branches of industry and big agriculture. The Advisory Board for Economic Questions is simply a decoration behind which the "interests" do what they like. The Board is, according to my opinion, used by the government for giving the impression that economic questions are settled after careful examination and many-sided consideration by a board of experts, non-partisan in character. This, to be sure, is not true. For example, during the last numerous and protracted debates concerning the public administration of private liquor production the board defended, not the public interest, but rather the private interests of agrarian liquor producers and individual manufacturers."

A minute subdivision ensuring the representative character of the council by no means guarantees that it will be public spirited in its consideration of questions. In fact, the public interest of the members is more likely to be in inverse ratio to their position as delegates from a specific industry or labor union. Their dependence upon private interests is further accentuated by the fact that they receive no compensation for their services on the Board, although their traveling expenses are paid. Furthermore, their appointment is only for three years. Their interest and loyalty can hardly be developed through an *esprit de corps*, since the Advisory Board very seldom meets in plenary session. The members consider their position as honorary, and their chief occupation is with their business in private life. The influence that the Board possesses comes in large measure from the importance and prestige of the individuals composing it, rather than from the repute of the organization itself. The Board is taken seriously because many persons of authority in the economic life of the nation are members, either of the council itself or, as invited experts, of commissions of inquiry. They usually cannot afford to spend a great deal of time or energy upon the work of the council.

The Board does not function without difficulties. A tendency to split upon public questions along economic lines, with entrepreneur pitted against laborer, results in protracted debates and makes compromise difficult. At best, the Board operates very slowly, and the political parliament cannot always wait until the economic assembly is ready to report. The Board has, nevertheless, presented a certain number of reports, which were compromises among its various factions. Thus, agreements were arrived at on matters concerning the housing problem, certain special taxes, and customs. Fortunately, some members frankly recognize that in the final analysis it is not the function of the Board to decide questions, but that it is their duty to discuss the more involved and technical legislative problems, clarify the issues, collect the pertinent data, and so prepare the way for intelligent judgment by the political assembly. A good deal of the criticism that has been leveled against the Board is due to a misapprehension of its real purpose. Not infrequently, it fails to reach a unanimous decision, with the result that it presents to Parliament two separate reports upholding two different points of view. While this would be disastrous in a political assembly, it may be entirely salutary

in an economic advisory council, since data, not judgments, are the desideratum.

The Advisory Board for Economic Questions is connected with the ministry of commerce. The ministry supports the Board and invites the government to present to it for consideration all projects of economic importance. The sorts of bills presented are those which do not have an immediate political significance and are not the subject of active party controversy. For instance, the budget has never been referred to the Board; nor was an important bill dealing with social insurance; nor the reform of the administration, in which the Board had taken the initiative; nor the new tax bill, which was of foremost importance in the government program of 1926.

The questions presented to the Board are referred to the appropriate standing committee. It is here that the work is done; as stated, plenary sessions are seldom held. There has been but one full session in the last three years. The committees are selected by the whole body and are composed proportionately to the various interests represented. Standing committees are appointed as follows: finance, 35 members; social policy, 30 members; home produce and commerce, 30 members; international trade, 20 members; agriculture, 15 members; communications, 15 members; public administration, 20 members; housing and promotion of building, 15 members. In addition to these standing committees, special committees are selected for particular purposes. The committee on statistics is an example. Within the committees there is complete freedom of speech, and experts may be invited to attend the meetings.

When a problem is referred to one of the standing committees, the chairman appoints a member to take charge of the matter, and he prepares a report setting forth its nature. Thus the subject is brought to the attention of the members of the committees, of the ministries affected by the question, and of the interested members in both houses of the legislature. The report serves as a basis for a general discussion, held at the first meeting of the committee. It is then that the general character of a proposed bill is considered. Is the proposed legislation economically sound? When the problem is a simple one, it can be disposed of in one or two debates of the committee. But in more complicated cases the usual procedure is to appoint a special sub-committee to consider the proposed law, paragraph by paragraph. Often the testimony of experts from economic organizations and scien-

tific and technical societies is considered by the sub-committee in formulating its report. The report usually goes directly from the committee to Parliament, without an intermediate approval by a plenary session of the Board. The secretariat simply notifies the ministry concerned, and the government, in presenting the proposed law to Parliament, mentions the collaboration of the Advisory Board. Working through committees rather than in plenary session is characteristic of economic councils, and in consequence the meticulous subdivision of the membership to include spokesmen from all trades and classes seems futile.

The government is not obliged to call the recommendations of the Board to the attention of Parliament. The Board is no more than a subsidiary advisory body, and hence its proposals can be disregarded and its disagreement ignored. "The arbitrary judgment of the Advisory Board naturally is in no way binding for Parliament or government policy," writes one Czech authority, "but practically it would be very unpopular to pass a bill directly against an opinion of the Board." Politicians do take the Board into consideration; they are careful not to forego any support that may thus be added to their case. Definite methods of contact between the political and economic bodies exist. Public officials and legislators may attend the committee deliberations of the Board, while experts from the Board may be called to appear before committees of Parliament.

Perhaps the clearest fashion in which to indicate the functions and accomplishments of the Advisory Board is to list in turn various matters dealt with by its committees.²⁰ In 1928, ninety-nine committee meetings were held, and among the matters considered were the following: (1) Methods of collecting statistical data. (2) Reform of civil and criminal law, with especial reference to economic factors. Recommendations of the Board were presented to the committees of the ministry of justice appointed to suggest reforms of civil and criminal law. (3) Protection of consumers in installment buying. Recommendations offered by the Board were accepted for the greater part by the ministry of justice and elaborated in a new bill. (4) The production and taxation of spirituous liquors. The dispute about the future regulation of distribution of production among the interested groups of producers

²⁰ Reports on the current work of the Advisory Board are to be found in the official publication *Věstník ministerstva průmyslu, obchodu a živností*, in the special section on the *Poradní sbor pro otázky hospodářské*.

is not yet solved, but the main principles of the new law and important technical recommendations of the Board have already been accepted by the government. (5) The production and taxation of beer. The small breweries desired a consumption tax on beer, based upon a progressive scale. The Board recommended a uniform tax for the whole industry, with certain privileges for the smaller producer. As a possible solution, it suggested that a voluntary understanding be arrived at as to the output which each brewer might fairly undertake. This proposal was accepted and an agreement drafted. (6) Rationalization of industry. Upon the advice of the Board, Parliament extended the life of the law admitting free of duty machines not manufactured in Czechoslovakia. (7) Agricultural insurance against hail. Some of the farmers have requested governmental protection against such catastrophes; but it is still a matter of dispute as to whether state intervention should extend so far. The Board has not been able to reach any decision upon the matter, although many other problems have been worked out in close coöperation with representatives of the ministry of agriculture.

These illustrations exemplify the routine problems with which the Advisory Board concerns itself. Its most ambitious current problem is the elaboration of a national economic program for the next five years. Following the International Economic Conference held at Geneva in 1927, the Czechoslovak government invited the Board to give its opinion of the resolutions adopted there. The Board expanded this request into an inquiry as to the direction that economic activities of the country should take. To this end, a great mass of statistical data is being compiled. The Board hopes to draw a careful comparison of pre-war and post-war conditions, and thus to arrive at some conclusions as to the evolution of the national trend of production, consumption, and international commerce. The problem is immensely complicated by the great changes wrought by the war. Industrial regions that once were part of Austria-Hungary now belong to Czechoslovakia, while many of the pre-war home markets have now become foreign markets. In the face of considerable difficulty, the Board is compiling a census of the larger industrial establishments for the years 1913 and 1926.²¹ It is attempting to ascertain the number of firms, of employees, and of machines, in order to show the changes that have

²¹ Three parts of the statistics dealing with the larger industrial establishments for the year 1926 have been published. See *Statistika větších průmyslových*

occurred in the economic situation between the two years selected. Customs barriers are examined, both at home and in foreign countries. The participation of Czechoslovak industry in domestic and international agreements is also being studied. It is upon the basis of such information that the Board will attempt a consideration of the principles of future commercial, agricultural, and industrial policy, export trade, commercial relations, customs, land reform, rationalization, and the various interrelations of industry and of business and agriculture. Should the body succeed in framing an acceptable economic program for the future, its reputation for usefulness will probably be assured.

The importance of the Advisory Board seems to have grown within the past year. This is particularly true since the election held in the autumn of 1929. This change reveals the fact that party alignments affect the relations between the economic and political assemblies. When the government included no socialist element, the Board, which was nearly fifty per cent socialist, had very little influence. Now that the partisan loyalties in both bodies are more nearly in the same proportion, the Board's advice assumes more significance. On the whole, however, the conclusion is inescapable that the rôle of the Advisory Board for Economic Questions has been a passive one.

For fact-finding and statistics-compiling, the agency is useful. Its power is dependent upon the quality of its recommendations rather than upon any authority behind its proposals. Obstacles to increased influence do not seem to be created intentionally by unsympathetic outsiders, but are due rather to inherent weaknesses within the body itself. The special interests of its members make agreement difficult. The government does not consult it upon controversial party questions. Nor is the political branch likely to encourage a rival assembly which is better equipped with expert knowledge to cope with economic questions. Where it will prove politically useful, the government is inclined to draw the attention of Parliament to the favorable attitude of the Board. Upon questions upon which the ministry and the Board are at variance, the position of the latter body can be ignored if expedient.²²

zřevodů v roce 1926. The fourth and last part will appear in the near future.

²² This evaluation of the Board is based upon opinions arrived at after talking and corresponding with officials of the Board, politicians, editors, and students of public affairs in Praha.

It is said of the Advisory Board that it has not fulfilled the hopes of its founders. The fault lies with the expectations rather than with the Board. Under parliamentarism, the expert must be content with a subordinate position. He is most effective as the permanent civil servant standing behind the amateur political administrator. Assembled in a body and brought into counterpoise to a parliament, the expert spokesman for economic interests finds that he is neither administrator nor legislator. Such a group has its function; but it is fundamentally an advisory, and not primarily a representative, function. The ministry needs advice in attacking the technical legislative problems for the solution of which it is responsible. It is as an adjunct to the executive authorities and to the administrative bureaus that an economic council has most to offer. Parliament's task is coming to be that of yea-saying or nay-saying. Sun Yat-sen insisted that "the function of the people in a democracy is to control the government, and that of the most capable men to operate it." It is as an aid to the latter, rather than as a spokesman for the former, that the economic council has its *raison d'être*.

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INTERNATIONAL AFFAIRS

The Kyoto Conference of the Institute of Pacific Relations. The third conference of the Institute of Pacific Relations met at Kyoto, Japan, from October 28 to November 9, 1929. Previous conferences had been held in 1925 and 1927 at Honolulu. It has been decided to hold the fourth conference in 1931 in China.

The Kyoto conference was the largest thus far held by the Institute. In all, 218 persons participated. Most of these were representatives selected by the seven national councils. The Japanese, with 48, had the largest group. The United States, with 45, came second, followed by China with 31, Canada with 29, Great Britain with 15, Australia with 11, and New Zealand with 6. In addition, there were sub-groups of eight Filipinos and seven Koreans. Eight members of the Institute's Honolulu secretariat attended, as did observers from Soviet Russia, France, Netherlands, Mexico, the League of Nations, and the International Labor Office. The members were not in any case official delegates of governments. The national councils are voluntary, self-constituted, and self-perpetuating bodies, and in most cases they selected individuals to attend the conference with a view to the representation of numerous interests. The result was that frequently the closest affiliations of members cross-sectioned the national groups. For example, labor leaders from Great Britain (Malcolm MacDonald), Japan (Bunji Suzuki), Canada (Tom Moore), and the United States (Paul Scharrenburg) were often seen together. Each of the groups had women members, of whom there were 33 in all. The 72 university men constituted the largest professional interest, followed by bankers and business men (44), journalists (18), religious workers (17), and smaller numbers of members of parliaments, ex-government officials, social workers, lawyers, labor leaders, and physicians. The British group included an Indian nationalist and the United States group an American negro.

There was also considerable geographical distribution within each group. Thus the Chinese and Japanese groups each included several members from Manchuria, while the American, British, Canadian, and Australian groups included permanent residents in the Orient. Among the many distinguished people present may be mentioned Inazo Nitobe,

member of the Japanese House of Peers and formerly under-secretary of the League of Nations, who served as chairman of the conference; Viscount Hailsham, lord chancellor in the recent Conservative government of Great Britain; F. W. Eggleston, formerly attorney-general and minister of railways of Victoria; Newton W. Rowell, formerly president of the Canadian privy council; Canon Streeter, of Queen's College, Oxford; President Chang Po-ling, of Nankai University, Tientsin, China; D. C. Wu, formerly governor of the Bank of China; Masanao Hanihara, formerly ambassador to the United States; Baron Sakatani, member of the Japanese House of Peers and formerly minister of finance; Yusuke Matsuoka, formerly vice-president of the South Manchuria Railway; Roland W. Boyden, formerly United States observer on the Reparations Commission; F. W. Frear and W. R. Farrington, former governors of Hawaii; and Sterling Fessenden, of the Shanghai municipal council.

This varied group of persons was brought together to discuss problems affecting the relations of countries bordering the Pacific Ocean—not to pass resolutions nor to reach conclusions, but rather to focus attention, to disclose points of view and promote understanding, to stimulate investigation and disseminate information. The results of a gathering with objects such as these cannot be stated with precision. They take a long time to mature, and the contributions of one conference cannot be dissociated from the influence of the other activities of the Institute. These activities include, in addition to the biennial conferences, a continuous program of research and continuous publication of information in the monthly journal *Pacific Affairs*, the biennial volume *Problems of the Pacific*, and occasional data papers and research reports. These three types of activity are, of course, interrelated, though each has a section of the secretariat devoted to it. Research furnishes the data without which discussion would be desultory, and discussion focuses attention on new fields in which necessary data can be assembled only after careful research. The recent conference stimulated the production of a five-foot shelf of books and pamphlets sponsored by the various national groups on subjects of interest to the Institute.

These continuing activities imply a permanent organization. The supreme authority of the Institute is the Pacific Council, a body of eight men. One is selected by each of the seven national councils, and a treasurer is selected by these seven. At present, Mr. Jerome D.

Greene, of New York, chairman of the American national council, is chairman of the Pacific Council, having been preceded in that position by David Yui, general secretary of the national committee of the Y.M.C.A. in China and chairman of the Chinese group. He, in turn, was preceded by Junnosuke Inouye, now minister of finance in Japan, who was preceded by Ray Lyman Wilbur, now American secretary of the interior. The Pacific Council appoints the central secretariat at Honolulu and the international research committee, raises money by requisition from the national groups and from private subscription, and directs the general policy of the Institute, including the summoning and organization of the biennial conferences. The latter do their work through open forums and lectures and a series of round tables on specific topics, open only to conference members. The general secretary of the Institute is Mr. J. Merle Davis, whose retirement, however, was announced at the recent meeting. Mr. Charles P. Howland was selected as chairman of the international research committee, succeeding Professor James T. Shotwell; and Mr. J. B. Condliffe is research secretary and editor of *Problems of the Pacific*.

The interests of the Institute, extending as they do to problems affecting international relations over half the globe, are difficult to define. They have included not only current problems of practical diplomacy, but also fundamental economic, social, and political conditions and movements in the Pacific area. Although a diplomatic problem, wherever arising, may, and if serious, probably will, sooner or later affect the Pacific area, the Institute has tended to concentrate attention on problems in which either China or Japan is involved. There has also been an attempt to confine study of fundamental conditions to those which seem necessary for understanding these diplomatic problems, though in many cases this involves a study of world-wide conditions in such matters as trade, population, and industrialization. The work of the Institute has demonstrated that the Pacific cannot be treated as in any sense an isolated area.

At the Kyoto conference the most basic problems were considered first, in order to establish an adequate foundation for more detailed discussion, and also to assure smooth sailing before the stormy questions of current diplomacy were encountered. The agenda paper was headed by the topic "The Machine Age and Traditional Culture." While everyone admitted the profound effect which the harnessing of non-human power is having upon art, social practices, and moral

conceptions in the West as well as the East, opinions differed on whether it is the substance or only the form of culture which is changing, and on whether the changes are to be approved or deplored. This discussion led into more concrete consideration of industrialization in China and Japan, the factors favoring and hindering it, and the economic consequences to be expected. The tendencies of population and the food supply, especially in the Orient, were next considered. That Japan has a problem to maintain her standard of living with the present rate of population increase was recognized by all. The possibilities of more intensive agriculture, of further industrialization, of migration, and of birth control were examined. Many valuable data papers were presented on these basic conditions, some of them the results of long-time researches. Among such investigations now in progress may be mentioned two on land utilization in the Orient, directed by J. Lossing Buck, of Nanking University, for China, and by Shiroshi Nasu, of the Imperial University of Tokyo, for Japan; two on agricultural production and consumption in the Pacific area directed by C. L. Alsberg, of the Stanford Food Research Institute; a coöperative study of foreign investments in China, directed by C. F. Remer, of the University of Michigan; and two studies of Chinese immigration, directed by President Chang Po-ling, of Nankai University, with respect to Manchuria, and W. J. Hinton, formerly of the University of Hongkong, with respect to Malaysia.

The latter half of the conference dealt with more immediate political problems, including extraterritoriality in China, diplomatic relations of the Pacific, and Manchuria. Of these, the last aroused the keenest interest. Extraterritoriality and unequal treaties, especially Anglo-Chinese relations on the subject, was the major political interest at the Honolulu conference of 1927, but at Kyoto the feeling was almost unanimous that the unequal treaties were going. The 1927 Institute session, together with other factors, had convinced the Chinese of the reality of the new British policy announced on December 18, 1926. Although the problems of time and manner in which the unequal treaties are to be eliminated gave ample grounds for differences of opinion, those differences were not such as to arouse the deepest feelings.

In the first session of the Institute in 1925 the American immigration exclusion act was the main topic of discussion. This immigration question was on the agenda in 1927, but at Kyoto it was not. In

collateral discussions of the subject which occurred in the food and • population round tables, several Japanese made it clear that the attitude of their country had not changed on this subject.

“Diplomatic Relations of the Pacific” resolved itself largely into consideration of the best machinery for implementing the Kellogg Pact. Many of the members took the position that a Pacific League of Nations distinct from the Geneva organization was impracticable and undesirable. At the same time, increase in the number of bilateral arbitration and conciliation treaties, general ratification of the optional clause of the statute of the Permanent Court of International Justice, and close coöperation of all Pacific countries with the League of Nations in Pacific matters were suggested as useful steps. It was pointed out that China and Japan are parties to comparatively few bilateral treaties of this type, while Soviet Russia and the United States are not members of either the League or the Court. Members from Australia and New Zealand were especially interested in the Four Power Pacific Pact of the Washington Conference, and some of them regretted the lack of permanent machinery for implementing it. The Sino-Russian hostilities going on at the time in northern Manchuria were recognized as an opportunity for testing the peace machinery of the Pacific, but the members seemed generally to consider it too early to form any judgment on the influence of this machinery.

Manchuria was the outstanding political issue discussed. While the Japanese and Chinese groups did not see eye to eye on this, the Institute made possible a series of meetings between leading members of these two groups in which the subject was fully discussed. Whether these discussions, or the general Institute discussions and data papers, will pave the way for better relations in Manchuria, it is too early to say. The Chinese wanted their government to have both sovereignty and the exercise of sovereignty in Manchuria, though some of them admitted that the recent action in relation to the Chinese Eastern Railway was unnecessarily drastic. The Japanese wanted adequate protection for their legal rights in Manchuria, which, however, they asserted were primarily economic in character. The exercise of certain political rights, such as the maintenance of police in the South Manchuria railway zone, they considered necessary until the internal administration of Manchuria shall be considerably improved. The Russian interest in Manchuria was represented only by an observer who did not feel free to speak.

The Manchurian discussions and data papers, which included long contributions from the Chinese, Japanese, American, and British groups, proved most instructive to everyone. The economic potentialities of the region, the immigration of nearly a million Chinese and Koreans a year, and the combinations of economic and political rivalry connected with the investment of capital and the construction of railways conspire with the country's geographical situation between three important powers and athwart significant trade and strategic routes to make it one of the political danger spots of the world. No one doubted that Manchuria is Chinese territory in the meaning of the Washington and other treaties relating to the territorial integrity of China, and that the course of migration is steadily making it more Chinese in fact. On the other hand, it was pointed out by many that full exercise of the powers of sovereignty implies full ability to meet the responsibilities of sovereignty, among which is adequate protection for vested legal rights of other states. The data papers presented by each of the interested groups furnished an abundance of evidence on the nature, origin, and significance of the legal rights claimed by Japan, Russia, and other powers in Manchuria, but the conference did not constitute itself a court to decide which of these claims were valid. Certain members suggested that more fundamental than the determination of legal rights is the creation of a spirit of coöperation for the peaceful development of Manchuria.

With the successful conclusion of this third conference, the Institute of Pacific Relations has ceased to be an experiment and has become an institution. It undoubtedly fills a need arising from the growing contacts of the diverse cultures of the Pacific. But while it has become an institution, the scope and method of its activity will doubtless undergo continuous modification. The Institute's effort has been to serve as an accurate source of information and a sounding board of the opinion on public questions held by influential groups in the Pacific region. To do this, its members must be free from direct governmental responsibility and its meetings free from government censorship. But without governmental responsibility there is danger that the members will not be responsible at all—that their remarks will be based neither on the considered opinions of important groups nor on scholarly investigation of the pertinent facts. To obtain influence without official authority, and to merit influence without official responsibility, is a task of unusual difficulty, and its devotion to this task differentiates

the Institute of Pacific Relations, both from official bodies like the League of Nations and from purely scientific bodies like the Institut de Droit International, though it has some of the characteristics of each. Successful accomplishment of this task requires that its personnel include technical experts as well as representatives of group opinions, that its interests include problems formulated for scientific investigation as well as problems formulated for the expression of public opinion and political action, and that its procedure assure the mutual interaction of expert investigations and representative opinions. The procedure is as yet by no means perfect; but the techniques of conference, of information, and of research which are being evolved by experience to meet the Institute's peculiar aim should be of unusual interest to political scientists, particularly to students of international organization.

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NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

By vote of the Executive Council, the twenty-sixth annual meeting of the American Political Science Association will be held at Cleveland, Ohio, probably on December 29-31. It is expected that the Association's headquarters will be at the Hollenden Hotel. The following committees have been appointed: (1) Program Committee, William Anderson, *chairman*, Robert E. Cushman, C. G. Haines, Clyde L. King, F. A. Middlebush, Raymond Moley, and Walter R. Sharp; (2) Committee on Nominations, Arthur N. Holcombe, *chairman*, Walter J. Shepard, Raymond G. Gettell, Ellen D. Ellis, and Jacob Van Ek; (3) Committee on Local Arrangements, Mayo Fesler, *chairman*, Earl W. Crecraft, with other persons to be added. The American Economic Association, the American Sociological Society, and various related organizations will meet at Cleveland on approximately the same dates.

Professor Charles E. Merriam, of the University of Chicago, is engaged abroad during the spring and summer in connection with activities of the Spelman Foundation.

Professor Leonard D. White has resigned as executive secretary of the Local Community Research Committee at the University of Chicago, and has been succeeded by Professor Donald Slesinger, formerly secretary of the Yale Institute of Human Relations.

Professor Arthur N. Holcombe, of Harvard University, will offer courses in government at the University of Michigan during the coming summer session, and Professor J. R. Hayden, of the latter institution, will teach in the Harvard summer school.

Professor Lloyd M. Short, of the University of Missouri, has been given leave of absence for the academic year 1930-31 to conduct studies in national administration, with residence in Washington, D.C.

- Professor N. P. Spykman, of Yale University, has been awarded a Guggenheim fellowship for the study of Asiatic nationalism viewed as a political expression of the cultural transformation due to the penetration of Euro-American culture in areas of different culture.

Professor Edgar S. Furniss, chairman of the department of economics, sociology, and government at Yale University, will become dean of the graduate school on July 1.

Dean A. C. Hanford, of Harvard College, has been promoted to a full professorship of government.

Professor James Hart, of the Johns Hopkins University, will teach in both sessions of the summer quarter at the University of Virginia.

Professor Frank G. Bates, of Indiana University, took office on January 1 as police commissioner of Bloomington, Indiana, for a term of four years.

Professor William S. Carpenter has been advanced to a full professorship at Princeton University.

Professor Joseph P. Harris, of the University of Wisconsin, will teach at the University of Chicago during the second half of the summer quarter.

Professor James W. Garner, of the University of Illinois, will offer courses on international law, and Professor E. D. Graper, of the University of Pittsburgh, courses on English government, during the coming summer session at Columbia University.

Professor Francis W. Coker, of Yale University, will conduct courses in the field of political theory in the coming summer session at Ohio State University.

Mr. Harold W. Stoke, who received his doctor's degree at the Johns Hopkins University in February, has accepted an instructorship in political science at the University of Nebraska. Mr. Charles J. Rohr, a candidate for the doctorate in June, has been appointed instructor at Trinity College.

Dr. Frederic L. Schuman has returned to the University of Chicago after nine months spent in Paris carrying on a study of control of French foreign relations. Mr. Sterling D. Takeuchi has also returned from Tokyo, where he has been conducting a similar study of Japanese foreign relations.

Dr. John G. Heinberg, now engaged in research in France as a Social Science Research Council fellow, will return to the University of Missouri in September, and has been promoted to an associate professorship.

Professor C. M. Kneier has resigned at the University of Nebraska to accept a position in the political science department at the University of Illinois.

Mr. William L. Bradshaw, formerly instructor in political science and public law at the University of Missouri, and at present completing his work for the doctorate at the University of Iowa, returns to the University of Missouri in September as assistant professor of political science and public law. He will teach principally in the fields of political parties and local rural government.

Professor W. W. Willoughby, of the Johns Hopkins University, has lately been awarded the Lin Tse-Hsu Memorial Medal, which is conferred by the Chinese government upon persons who have rendered distinguished service in preventing the use of opium. The Macmillan Company will soon publish Professor Willoughby's *The Ethical Basis of Political Authority*.

Technical advisers to the American delegation at the conference for the codification of international law, convened at The Hague on March 13, included Professors Jesse S. Reeves, of the University of Michigan, Edwin M. Borchard, of Yale University, and Manley O. Hudson, of the Harvard Law School.

Dr. Joseph S. Roucek, professor of political science in Centenary Junior College, Hackettstown, N.J., will visit Rumania during the coming summer in connection with the preparation of a volume on Rumanian government and politics. He will also deliver a series of

- lectures at the Prague Summer School on the international relations of Czechoslovakia.

The National Institute of Public Administration has recently undertaken surveys as follows: (1) the government of Maine, for Governor W. T. Gardiner; (2) the government of Arkansas, for Governor Harvey Parnell; and (3) the government of the city of Williamsburg, Va., for the mayor and council.

The first volume of the *Index and Digest of State Legislation*, prepared by the Legislative Reference Division of the Library of Congress, and covering the years 1925-26, has been published and may be obtained from the Superintendent of Documents for \$1.50 (cloth bound edition).

The Iowa Political Science Association, the Iowa Association of Economists and Sociologists, and the Iowa Association of Historians met in joint session at the State University of Iowa on May 16-17.

The Dodge Lectures on the Responsibilities of Citizenship were delivered at Yale University in April by Professor Felix Frankfurter, of the Harvard Law School, and dealt with the general subject of Public Administration and the Public.

The Fourth International Congress of the Administrative Sciences will be held at Madrid, October 21-27. Further information may be had from Professor Leonard D. White, of the University of Chicago.

The third annual session of the Institute of Citizenship was held at Emory University, Atlanta, Georgia, April 7-12. The program consisted of general lectures and round table conferences. A leading participant was Professor James W. Garner, of the University of Illinois.

The twenty-fourth annual meeting of the American Society of International Law was held in Washington, April 23-26. Among principal subjects under discussion were the contributions of the Permanent Court of International Justice to the development of international law; neutrality and neutral rights following the Pact of Paris for Renunciation of War; possible restatement of the law concerning the conduct of war at sea; and extraterritoriality and foreign concessions

in China. The opening address was delivered by Dr. James Brown Scott, the new president of the Society.

Under the auspices of the department of politics, a conference on politics was held at Princeton University on March 19-22. General addresses were made at open meetings by Dr. Alfred Zimmern, Mr. Frank R. Kent, Mr. William Hard, and others, and round tables on the administration of criminal justice were conducted by Dr. W. F. Willoughby and Professors William E. Mikell and Raymond Moley.

The first Yale Conference on International Relations, held at New Haven on March 28-29, dealt with the subject of Anglo-American relations. It was attended by about forty persons invited to represent the business world, the teaching world, and the press. Leading participants included Lord Eustace Percy, Mr. Walter Lippman, and Professors Edwin F. Gay and Charles K. Webster.

The compilation of a *Bibliographical Directory of American Scholars* in the field of the humanistic and social sciences, similar to the *Bibliographical Directory of American Men of Science*, has been undertaken under the editorship of Dr. J. McK. Cattell. Resolutions endorsing this project have been passed by the American Council of Learned Societies and the American Association of University Professors.

The fifth annual session of a seminary devoted to a coöperative study of Mexican life and culture will be held under the auspices of the Committee on Cultural Relations with Latin America, in Mexico City, July 5-25. Among round tables and leaders are the following: Problems of the Caribbean, Professor Chester Lloyd Jones, University of Wisconsin; Social Forces in Mexico, Professor John A. Lapp, Marquette University; Mexico and its International Relations, Professor J. F. Rippey, Duke University; and Problems of Government in Latin America, Dr. Ernest Gruening, editor of the *Portland Evening News*. Further information may be obtained from Mr. Hubert C. Herring, executive director, 112 East 19th Street, New York City.

The Facsimile Text Society, which has been sponsored by members of various learned societies, proposes to reproduce texts in five series,

- one of which will be devoted to economics and political science. Photo-stats are now being prepared. The Society hopes to secure additional members. The annual dues are five dollars. Information may be obtained from the executive officer, Professor F. A. Patterson, Columbia University, New York City.

The American Library in Paris has recently issued Part I of *Official Publications of European Governments*. This is an outline bibliography of serials and important monographs, including diplomatic documents, issued by European offices and ministries. Part I covers the publications of Albania, Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, Estonia, Finland, and France.

It is announced that the index issue for the first volume of *Social Science Abstracts* will be published and distributed before the end of May. This index will contain the following sections: (1) a table of contents accumulated for the year; (2) an alphabetical authors' list, with about 12,000 entries; and (3) a subject index arranged alphabetically and, in a considerable degree, analytically. The whole index will contain from 30,000 to 40,000 entries. It is strongly desired that teachers of political science in various colleges and universities inform their students concerning the value and modes of use of *Social Science Abstracts*. The journal is subsidized for only a limited period, and it is hoped that, within this time, it can be made largely self-supporting.

An Institute of Justice held at the University of Chattanooga at the end of April dealt with the entire subject of the administration of justice and its social and economic backgrounds. Among speakers and round table leaders were two members of the national commission on law observance and enforcement, Messrs. George W. Wickersham and Frank J. Loesch; also Professors Charles A. Ellwood, of the University of Missouri, and Walton H. Hamilton, of the Yale Law School, and Dean William L. Mikell, of the University of Pennsylvania Law School.

The University of Minnesota announces a four-day conference, July 15-18, on problems of governmental relationships and areas of administration. The subjects, one for each day, will be confined to health and welfare, law enforcement and safety, taxation and finance, and

public utilities. The occasion will permit invited specialists, representing federal, state, and local governments, to consider the interplay of relationships in these particular fields of public administration. While most of the guest speakers will come from other states, emphasis will be placed upon the application of the respective problems to the state of Minnesota. The conference method will provide for a series of open meetings and forums, supplemented by round table sessions with discussion limited to invited guests. Arrangements are in charge of Professor M. B. Lambie.

According to a preliminary announcement issued by the State University of Iowa, the Seventh Commonwealth Conference will be held at Iowa City on June 30 and July 1-2. The theme of the Conference will be "The Political Issues of 1930." According to the announcement, the program will consist of round table discussions and of addresses by prominent thinkers, writers, and men of affairs. Among the topics to be discussed at the round tables and in the addresses are listed the following: law enforcement, judicial administration, control of utilities, tax reform, the press and politics, the Philippines, the lobby, prosperity and unemployment, a flexible tariff, "lame duck" sessions, radio regulation, immigration, recognition of Russia, disarmament, money and elections, control of communications, intervention in Haiti, the world court, Pan-American arbitration, and administrative reorganization. Professor B. F. Shambaugh is chairman of the Conference, and Professor Kirk H. Porter of the committee on program.

The tenth session of the Institute of Politics will be held at Williamstown, Massachusetts, July 31 to August 28. There will be three lecture courses: (1) France and the Disarmament Problem, Dr. Paul Mantoux, of Paris; (2) The Freedom of the Seas, Lord Eustace Percy, of London; and (3) The Evolution of International Public Law in Europe since Grotius, Dr. Walter Simons, of Berlin. There will be lectures also by Professor C. Delisle Burns and Lord Meston, both of London. Round table conferences are planned as follows: (1) The Far Eastern Situation, Professor George H. Blakeslee, of Clark University; (2) An Analysis of Western Civilization, Professor C. Delisle Burns, of the University of London; (3) Recent Economic Progress in Europe, Professor Edwin F. Gay, of Harvard University;

- (4) Limitation of Armaments, Admiral A. J. Hepburn, of the United States Navy; (5) Pan-American Problems, Professor Jesse S. Reeves, University of Michigan; and (6) The Political Aspects of Aërial Navigation, Mr. Edward P. Warner, New York City. Other special groups will deal with the problems of sovereignty in the Arctic and Antarctic regions, intervention by the United States in the Caribbean area, the independence movement in India, and the communist experiment in Russia.

A newly established School of Public and International Affairs at Princeton University will offer instruction both in undergraduate and graduate years. At the beginning, attention will be given mainly to the undergraduate program in order to develop a body of well-trained undergraduates, some of whom will form a nucleus of graduate students in the School. The primary purpose is to train men who expect to enter public life or public administration, whether national, state, or municipal, or to engage in international business and affairs, as well as those who contemplate careers in journalism or law. The curriculum is designed also for others who have not determined upon their future careers, but who desire to acquire knowledge which will enable them better to appreciate the world of affairs. The object of the School is neither vocational nor professional. The aim will be to give students a broad and fundamental knowledge of the various fields of public and international affairs. The program involves a coördination of existing courses in the departments of politics, history, economics and social institutions, and modern languages. Certain new courses are also to be added. Visiting lecturers, men of practical experience in public affairs, will supplement the curriculum with lectures and round table discussions and with individual conferences with students engaged in the study of a particular subject. Facilities are to be provided for students to engage, during the sophomore and junior vacations, and at the close of the senior year, in supervised study, at approved foreign universities, of the peoples, traditions, and institutions of different countries. In order to utilize these periods to the full, the students are to be placed in homes where only the foreign language is spoken, so that they may secure a practical working knowledge of the language of the country which they are visiting. The University will grant, upon graduation, a special certificate, in addition to the customary bachelor's diploma, to those

who have successfully met the School's requirements. The School is to be directed by an administrative committee consisting of the president of the University, the dean of the graduate school, the chairmen of the four coördinating departments, Mr. DeWitt Clinton Poole (until recently counsellor of the United States embassy in Berlin), and Professor Harold W. Dodds as chairman. Individual members of the University's board of trustees have underwritten the expenses of the School for the first three years. Meanwhile, effort will be made to raise a minimum endowment of two million dollars.

The Hochschule für Politik: A Significant German Institution for the Teaching of Political Science. The German Institute for Political Science was founded in 1920, largely through the efforts of Dr. Ernst Jäckh. The fruition of his endeavors was made possible because of earlier suggestions by prominent Germans, and by the collaboration of several leading citizens of the Reich. During the war, Friedrich Naumann attempted to create a school devoted to instruction in politics. Dr. Becker, *Kultusminister*, also emphasized the necessity of an institute for politics. During his official incumbency in 1917, State Secretary Dr. von Kühlmann prepared a monograph on the subject of the need for a university for politics. Other suggestions were made during the decade.

The adoption of the Weimar constitution strongly emphasized the need for the creation of an educational institution commanding the respect and support of all parties, guided by experienced leaders, and giving coördinated instruction in the political, civic, and social problems facing the new republic. The instruction and training needed were both national and international.

Proceeding with a clear vision of what he was trying to do, Dr. Jäckh was successful in enlisting the support of leading German citizens and government officials. The institution which he visualized became a reality; and he became, and remains, its administrative head. In addition to a board of directors (the *Kuratorium*), there is a board of trustees, numbering some fifteen, presided over by Dr. Simons. A special group of persons called the *Kollegium* was also created to decide certain educational policies and questions.

The aim of the *Hochschule* is to offer scientific training in the art of government, including national and international problems. Speak-

ing broadly, this means training in those fields which are most closely related to actual government, such as political science, economics, diplomacy, and geography. Emphasis is placed upon practical training, which is secured by a close contact with men who are actually engaged in the work of government, diplomacy, finance, and economics.

That the *Hochschule* is regarded highly by the public authorities is indicated by the fact that an annual grant is made to it by the government of the Reich. The Prussian government, furthermore, has furnished the necessary quarters for the institution's work. With particular reference to the international work, the Laura Spelman Rockefeller Foundation has granted a substantial amount, on the understanding that certain contributions will be forthcoming in Germany. Mr. William P. Ahmelt, of New York City, has endowed a chair for Anglo-Saxon problems, and the Carnegie Endowment for International Peace, on proposal of President Butler, supports a chair which will be filled each year by a foreign or by a German professor.

The *Hochschule* works in close coöperation with certain other institutions or endeavors with which it is in sympathy. For example, it has coöperated with the Geneva School of International Studies and the Geneva *Institut Universitaire des Hautes Études Internationales*. Close contact is maintained with the International Institute of Intellectual Coöperation at Paris. Dr. Jäckh has lectured extensively in the United States, and mutual benefits have been derived from collaboration with the Institute of International Education in New York.

In the field of education in national affairs, considerable attention is given to the new constitution and to governmental administration under it. Extension lectures are provided in various cities of the Reich at certain periods of the year. Considerable attention is given to the press, the facilities of the institution being at the service of editors and younger newspaper men who desire to avail themselves of its advantages. The *Hochschule's* leaders have devoted much thought to courses leading to foreign service in the consular and diplomatic fields, and many young men have taken advantage of this training.

Library needs are met in part by a working collection of over 9,000 volumes, which includes the books most frequently consulted by the students. The existence of several good libraries in Berlin makes it unnecessary for the school to attempt to duplicate them. In fact, an exchange plan exists with these libraries by virtue of which *Hochschule* students make use of books according to their particular needs.

An effort is being made, however, to build up a special political science collection in the library.

The library publishes a monthly information bulletin. The *Zeitschrift für Politik* contains reports on the work of the *Hochschule*, scientific articles relating to the work of the institution, and current book reviews. A publication entitled *Politische Bildung* has also appeared—an interesting volume containing the addresses delivered on the occasion of the opening of the school and other material relating to political education.

In 1928, the registration was approximately 1,030 during the winter term; in the summer, 860 students were in attendance. Several hundred more attended single lectures; and the "youth group" numbered around 250. The student body is composed of representatives of various callings—officials of the Reich, bankers, editors, employees, trade unionists, writers, and technical workers. Nationals from the following countries were enrolled: Egypt, United States, Bulgaria, Great Britain, Finland, Greece, Holland, Italy, Japan, Yugoslavia, Latvia, Lithuania, Norway, Palestine, Persia, Poland, Rumania, Russia, Sweden, Czechoslovakia, Hungary, and Ukraina.

Among the lecturers at the school appear the names of conspicuous German leaders. The names of the late Drs. Rathenau and Preuss appear on the list of earlier lecturers. These two outstanding statesmen have left behind a lasting influence upon the *Hochschule* because of their respective achievements in the field of constructive political science. In fact they may be regarded as personifying, in many respects, the aims of the school—the former being noted particularly for his work in international affairs, the latter for his part in framing the new constitution. The list of lecturers includes the names of Rosen, Schiffer, Scholz, Stegerwald, Simons, Schacht, Hirsch, Müller, and others.

The *Hochschule* endeavors to bring in from other countries the most effective lecturers available. Already it has been successful in this respect. In March, 1928, M. Albert Thomas, director of the International Labor Organization at Geneva, spoke to a large audience on the subject, "My German Experience; the History of a French Friend of Germany, 1898-1928." In the same month, Dr. William E. Rappard, rector of the University of Geneva and a member of the Permanent Mandates Commission of the League of Nations, spoke on the subject, "The Origin of Colonial Mandate Principles and the Practical

Experience in the Field of their Application." In April, 1928, Dr. Ernest R. Curtius, of Heidelberg, spoke on "The French Cultural Conceptions and the Intellectual Situation of the Present." In May, 1928, Professor André Siegfried, of Paris, delivered two lectures on "The Working of the French Constitution and Government."

Visiting lecturers for the academic year 1928-29 included the following: Professor Thaddeus Zielinski, of Warsaw, on "The International Elements of our Culture;" Dr. Alfred Weber, of Heidelberg, on "Possibilities and Limitations of European Thought;" Senator Francesco Ruffini, of Turin, on "International Unions and the League of Nations;" and Professor G. P. Gooch, of London, on "The Foreign Policy of Sir Edward Grey."

The first occupant of the Carnegie chair (1927) was Professor James T. Shotwell, of Columbia University. The publicity given to Professor Shotwell's lectures and his stress upon the point of renouncing war as an instrument of national policy undoubtedly served to pave the way for the Kellogg-Briand pact for the renunciation of war.

The writer was fortunate enough to hear the orations of several of the best young public speakers of Germany who in the summer of 1928 engaged in a national contest. The orations related to the new constitution, the prize being a trip to the United States of America. The final hearing occurred in the main auditorium of the *Hochschule*. Great interest was manifested by the press and by the public.

The *Hochschule für Politik* is one of the most significant post-war institutions of Germany and of Europe. It is an interesting experiment in national and international education. To Dr. Ernst Jäckh, a man of broad and understanding vision, special tribute should be paid. Political scientists will follow with interest and profit the work being done by him and his associates in post-war Germany.

J. EUGENE HARLEY.

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¹ The information contained herein is based upon visits to the *Hochschule*, personal conversations with Dr. Jäckh, and official publications of the *Hochschule*, notably the annual *Berichte* and a publication of 1926 entitled *Deutsche Hochschule für Politik: Aufbau und Arbeit*.

BOOK REVIEWS AND NOTICES

EDITED BY A. C. HANFORD

Harvard University

From the Physical to the Social Sciences. BY JACQUES RUEFF. (Baltimore: The Johns Hopkins Press. 1929. Pp. xxxiv, 159.)

The Statistical Method in Economics and Political Science. BY P. SARGANT FLORENCE. (New York: Harcourt, Brace and Company, 1929. Pp. xxiv, 521.)

Both of these books are important for students of the general methodology of the social sciences. The second is of especial significance for political scientists. Rueff's book has been available in the original French edition for a number of years, but has been practically unknown in America. That it should now be translated and published by the Johns Hopkins University Institute for the Study of Law is in itself a significant commentary upon changing legal emphasis. An extended introduction by Herman Oliphant and Abram Hewitt contains a particularly lucid exposition of problems of method in the field of law, and of three approaches which they term the transcendental, the inductive, and the practical. The book by Florence was first announced by the publishers some five years ago, and its balance and maturity testify to the value of the ripening process.

In excessively simple language, Rueff sets forth an interpretation of the nature of science, in accordance with which he finds that the social sciences have all the essential characteristics of the so-called "natural" sciences. Each includes "an empirical branch which gathers appearances and expresses their common characteristics in the form of laws; and a rational branch which creates their causes. These causes . . . are a system of initial propositions, axioms, and definitions capable of serving as premises to reasoning whose conclusions coincide with the laws empirically discovered." The "empirical" laws are thus Pearsonian in character, i.e., shorthand descriptions of sequences of events. The term "rational" is used in much the sense that psychologists employ the term "rationalization." Thus whenever the empirical laws change, whether in the physical world or the

social world, there must be a reformulation of the initial propositions, axioms, or definitions from which the corresponding rational science derives the "causes" of the changing empirical phenomena. In such a case the earlier rational laws are still "true," but they may no longer be applicable. Thus, to illustrate from economic science, "if it is the law of supply and demand that expresses the common character of exchange in France, it evidently does not follow that it will be the same in Russia." But if Russia should revert to a western form of capitalism, the laws of supply and demand would still be "true" after the interim.

It would be easy to find an exposition of Rueff's viewpoint toward science in the book by Florence. However, the reviewer will not attempt to expound the former's position further, but will rather set forth his own view of the significance of Florence's work for the future development of political science. In a presidential address before the American Economic Association some years ago, Professor Wesley C. Mitchell called attention to the changes wrought in the science of economics by the introduction of statistical methods. Statistical methodology was first employed as a means of testing propositions developed by the older school of economic theorists. The result, however, was not so much the proof or disproof of the older theories as it was the development and introduction into economic science of totally new problems susceptible of proof by statistical means. The older problems were not settled, but were forgotten.

The effect of Florence's book will, in my opinion, be similar. When political science takes for its subject-matter a metaphysical entity known as the state, and discusses its internal and external relationships, either in the abstract or in the particular, there is little room for the employment of statistical methodology. A discussion of the constitutional division of powers between the states and the federal government, for example, presents little opportunity for a statistical form of statement. When government is regarded empirically and functionally rather than metaphysically, the door to statistics has at least been pried open. Florence has intruded a shoe still further by conceiving of politics as a type of social relationship, an exploration of which will inevitably be of statistical character. Moreover, he has proceeded to an itemization or framework which now remains for the political statistician to fill in. In this respect, among others, his work represents a definite advance in comparison with work which

has been published during recent years by the reviewer. The latter has carried on his work without reference to such a detailed conceptual framework as that which Florence now provides. It is nevertheless interesting to the reviewer that several of his own inquiries have been fitted into the frame which Florence sets up. The author has, in short, attempted "to provide for statistical politics the analytic framework, and the apparatus of thought, that economic theory . . . already provides for statistical economics" (p. 355).

The author regards division of labor in social research as a necessary evil, and he takes pains at the outset to delimit the fields of the political and economic sciences (pp. 14 and *passim*). Differentiation is produced by two cross-cutting criteria. He distinguishes first between two sanctions of human behavior: that of *compulsion* (which is, in general, political in character) and that of *voluntary exchange* (which is economic). Again, attention may be directed to the *terms* (rates and quantities involved), which are economic in character, or to the *organization* (which is political). When behavior is based upon the sanction of voluntary exchange, and when it deals with the terms involved, the subject-matter may be regarded as that of pure economics. When the sanction of compulsion appertains to questions of organization, the subject-matter is that of politics proper. But the sanction of compulsion, when it deals with rates and quantities, gives us political economics; i.e., "what are the penalties by which observance of laws is compelled and why?" This is administrative science. Similarly, the sanction of voluntary exchange, when it involves questions of organization, gives us economic politics, or much of what is known as business science. The author's discussion of statistical politics, in terms of the differentiation just noted, deals chiefly with politics proper and economic politics, i.e., with the two branches in which organization is a major criterion. This seems to align Mr. Florence with George E. G. Catlin in regarding acts as "political" without reference to the field of human organization to which they may be applied.

Space will not permit detailed discussion of the way in which these concepts are worked out. All the "acts or behavior of men toward men, their mutual interrelations and reciprocal contacts, the orders, punishments, votes, verdicts, appointments, dismissals passing transitively from men to men, and the meetings and discussions between men, that form part of their relations of ruling, manning, and sharing

of work'' (p. 364) constitute data with which statistical politics must deal. Nor can space be taken to refer to the author's exposition of statistics in the field of economics. This occupies a larger portion of the book than does the space devoted to politics. It is of lesser importance only because economics has already traveled far in its statistical development.

The book is a model of documentation and cross-referencing, but it is in no sense a textbook or manual of statistics. A statistical glossary contains many of the elementals of statistical method which are needed for an understanding of the context. The table of contents is at the same time an abstract. A final chapter is made up of a table of cross-references by means of which topics which are logically related, but discussed at different parts of the text, are brought together. The exposition is clear and precise, and so effectively illustrated as to provide delight for even a non-statistically minded reader.

STUART A. RICE.

University of Pennsylvania.

The Range of Social Theory; A Survey of the Development, Literature, Tendencies, and Fundamental Problems of the Social Sciences. BY FLOYD N. HOUSE. (New York: Henry Holt and Company. 1929. Pp. x, 587.)

An Introduction to Social Research. BY HOWARD W. ODUM and KATHERINE JOCHER. (New York: Henry Holt and Company. 1929. Pp. xiv, 488.)

The Art of Straight Thinking; A Primer of Scientific Method for Social Inquiry. BY EDWIN LEAVITT CLARKE. (New York: D. Appleton and Company. 1929. Pp. xi, 470.)

Social Psychology; The Psychology of Political Domination. BY CARL MURCHISON. (Worcester, Massachusetts: Clark University Press. 1929. Pp. x, 210.)

Individuality and Social Restraint. BY GEORGE ROSS WELLS. (New York: D. Appleton and Company. 1929. Pp. vii, 248.)

Essentials of Civilization; A Study in Social Values. BY THOMAS JESSE JONES. (New York: Henry Holt and Company. 1929. Pp. xxvii, 267.)

Professor House, of the University of Virginia, has prepared a compendium of recent social science literature which is calculated to

show the wide range of interest of those who try to explain the life of man. The last twenty-five pages undertake to sketch the trends; the first five hundred and forty pages organize the material under current analytical captions. The three major divisions are geography and social differentiation, human nature and collective behavior, and conflict and social control. The chapters in the third section are the most closely related to political science, bearing such titles as "Economic Interpretation of War," "Public Opinion and Legislation," and "The Geography of Politics." The specialist will find these chapters rather thin, and will glean much more from those further removed from his specialty.

A scholarly one-man encyclopaedia of this kind almost eludes criticism, since the problem is the highly personal one of exclusion. The chapter on the geography of politics ought certainly to have included the work of the "geo-political" school in Germany and some of the English literature on administrative areas. The brief section on political parties mentions much that is inferior to Holcombe and Siegfried, to say nothing of the German literature. The chapters on trends and methodology are squeezed into narrow compass, and lack incisiveness of organization and argument.

The volume by Odum and Jocher also hails from the South. Professor Odum, who now directs the Institute for Research in Social Science at the University of North Carolina, is particularly able as a promoter of research. He is editing the American Social Science Series in which his own book, that of House, and of Jones appear. The *Introduction to Social Research* grew out of the pedagogical necessity of training efficient research assistants. Its strength lies in its catholicity. Representative work in every recognized field of social research is mentioned by title or summarized as to method and substance, and stress is continually laid upon the interrelationship to be discerned among the several disciplines.

Certain "approaches" are singled out for separate treatment: the philosophical, the general analogical, the biological, the psychological, the anthropological, the politico-juristic, the economic, the sociological. Some "methods" are assigned a chapter: the case, the survey, the experimental, the statistical, the scientific-human. Several "types of procedure" are dealt with, including the selection of personnel and the problem of analyzing, interpreting, and presenting results. The chapters are very sensible, though often skating on the thin ice of the

trivial. The general description of existing research agencies is conveniently accessible in no other book.

No doubt such a course as Professor Clarke gives to undergraduates in sociology at Oberlin would be a useful corrective to the habit of thinking by title which the preceding books are likely to encourage. Clarke's style is fresh and lively. Philosophy sometimes dons the cap and bells, makes wise-cracks, tells jokes, and chortles over propaganda-howlers. It must be a pleasure to think straight at Oberlin.

No political scientist can fail to wonder what Professor Murchison believes about the future of political psychology. Murchison is head of the laboratories at Clark University, and he begins his book by declaring that psychology is "poverty-stricken" in the field of social psychology "and has escaped a death notice chiefly because no one has called in the coroner." He has written a polemical essay to say that the true social psychological problem is the study of individual differences for the sake of discovering who is going to dominate society. He deplors the effort to write a social psychology of war or slavery or any other social pattern, because these are ephemeral; the fact of dominance is ever-present. The educational psychologists, who are principally concerned with problems of measurement and the analysis of distributions, are the psychologists who have something valid to offer.

The essay squanders much of its potential influence by its ambiguity. Political life, we are told, "embraces, without exception, every phase of human experience or behavior. There are no concepts or forms of habit, no actions or relations of one individual to another, which do not enter into and become an essential part of the political life of the community." In effect, we are asked to adopt the word political as a synonym for social without a discussion of the procedure by which sub-discriminations are to be made. If dominance means the control of other people's motives, much of our behavior is not the outcome of conscious domination, and if we introduce a concept of the unconscious, it requires definition and not assumption.

The notion of a trait is left vague. Murchison writes that "political domination is so obvious a phenomenon in every walk of daily life and on every page of history that it must have a biological and psychological basis." It is not clear whether traits are like ears, in the sense that they are stable phenomena throughout life, and that they can be identified during infancy, or whether traits are unstable con-

stellations capable of organization and reorganization in the life situations of infancy, childhood, youth, and adulthood. If the latter be the truth, particular ways of acting toward growing individuals (culture patterns) become co-variables with "general intelligence" and "general biological character." We may, therefore, study the rise and spread of these patterns with as much justification as we can study individual traits. Murchison's strictures on the "fugitive" character of social patterns apply likewise to "traits," and if we are to refrain from studying objects of change, we are presumably to cease studying both.

A much better case can be made out for Murchison's point of view than he actually writes. I think that we should resist our impulse to call the coroner until we give somebody else a chance to do it. A few illustrative instances of the supposed value of the method for which he argues would help to expose the advantages and limitations of the point of view.

Mr. Wells has written a popular exposition of social psychology from a diluted behavioristic standpoint. Mr. Jones has published a new volume of essays in social philosophy which seems to add nothing to his earlier excursion in this domain.

HAROLD D. LASSWELL.

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Machiavel. BY ORESTES FERRARA. Traduit par Francis de Miomandre (Paris: Librairie Ancienne Honoré Champion. 1928. Pp. viii, 370.)

The Private Correspondence of Nicolo Machiavelli. BY ORESTES FERRARA. (Baltimore: The Johns Hopkins Press. 1929. Pp. xii, 130.)

Few political writers have been so frequently and fully discussed as Machiavelli; and although the commentaries agree in drawing attention to the characteristic clarity and directness of Machiavelli's style, few political works have been the objects of such widely varied appraisals as the *Prince* and the *Discourses on Livy*. The critics agree that Machiavelli wrote clearly, yet disagree as to just what he meant to say. Before the nineteenth century, the discussions of Machiavelli were chiefly by way of attack or defense. For over a century now, his ideas have been considered more scientifically; but there is still no consensus in the explanation of them. The manifold interpretations

have been recapitulated several times—notably by Robert von Mohl in 1858 (*Die Machiavelli Literatur*), and by Pasquale Villari and O. Tomassini in their critical biographies (in 1878 and 1883). In those works, in the studies by Macaulay, Ranke, Gervinus, Feuerlein, Nitti, and others, and in briefer essays, such as John Morley's brilliant Romanes lecture in 1897, the reader can find about every conceivable point of view. There was a quarter-century of relative silence, until the political changes and experiments after the World War revived active interest in Machiavelli's notions of concentrated, iron-handed government.

The newer systematic studies have been made chiefly by Germans and Italians. The most penetrating and compendious among them is the work of Dr. Orestes Ferrara. A native of Naples, M. Ferrara moved in his youth to Cuba, took part in the Cuban war of independence, became a citizen of that country, and has participated actively in its intellectual and political life. He is professor of public law in the University of Havana, has represented Cuba in the League of Nations and in the Pan-American Union, and is the present ambassador of Cuba to the United States.

Of the two books in hand, the first is an excellent French translation of M. Ferrara's manuscript in Spanish (published later in the same year—*Maquiavelo*, La Habana, 1928). The author gives a detailed description of Machiavelli's training, his varied, if not highly important, service in governmental missions, and his writings—historical, political, and dramatic. He presents a highly independent, even though at most points not new, estimate of Machiavelli's political ideas. He pictures Machiavelli, not as a representative of the corruption of his age and country or of the distinctive genius of the Italian race, but as an exemplar of a realism that flourished briefly in Italy in the sixteenth century—in contrast to the mysticism and religionism of the Middle Ages and to the moralism and abstractionism that dominated European political writing from the middle of the sixteenth century to the nineteenth century.

Machiavelli's method of argument was to view things "as they are"—to put aside questions of right and wrong, as do natural scientists or rational political economists in solving problems in their fields of study. He ejected from politics the Christian standards of humility, mercy, and justice, and admitted only reason of state as the justification for political means. The evils that rulers are intended to

cure are disorder and disunity; the remedies for them are to be found only in the qualities of strength, courage, resolution, and, when necessary, craftiness and cruelty. All this, in M. Ferrara's opinion, does not imply that Machiavelli was immoral or unmoral in his political vision; it implies rather that the moral attribute upon which he set greatest store was that of devotion to the common weal. The supreme test of virtue is to be found in that which is useful to society. The Machiavellian doctrine, under this interpretation, is not that the power of the state is an end in itself; it is rather that the common welfare of the political community is such an end. Fraud and violence can be justified where necessary to the maintenance of the independence and power of a state, because of the most essential contribution which a strong state makes to the good of the community. This is not a subordination of morality to political expediency, but a subordination of political policy to the sublime ideal of an independent, stable, unified community.

There is no doubt of the thoroughly scientific temper and method of M. Ferrara. He has made an objective, if sympathetic, study of Machiavelli. It may be that in two respects he has been too generous to his subject or too one-sided in his view of political "realism." In the first place, most of Machiavelli's discussion in the *Prince* discloses no conception of a goal other than that of the strong-armed state governed by a callous and unscrupulous ruler; the vision of a farther goal of a popular welfare served by that despotism does not appear, except vaguely in an abruptly added peroration. In the second place, M. Ferrara's appraisal does not raise the question as to whether a political doctrine, even of the sixteenth century, can be regarded as completely realistic if it considers men only as political beings and implies that their patriotism and public devotion can be inspired and maintained, their welfare cultivated, by a government which deals with them chiefly through intimidation and resorts readily and without scruple to perfidy and cruelty.

In *The Private Correspondence of Nicolo Machiavelli* we have a side of the man not fully recorded in the standard works. M. Ferrara, from editions of Machiavelli's correspondence, presents, not for the most part the letters or lengthy excerpts from them, but a delineation of the sort of man the letters reveal. Machiavelli is shown as husband, father, friend—affectionate, frank, humorous, somewhat irreverent, easy in his private morals. He is shown also as government official

and interested citizen—informed and public-spirited, shrewd and practical. The little volume not only gives us a vivid and entertaining picture of Machiavelli's "human" side; it also clarifies our conception of his general outlook on politics.

FRANCIS W. COKER.

Yale University.

The Defensor Pacis of Marsilius of Padua. Edited by C. W. PREVITÉ-ORTON. (Cambridge, England: University Press. 1928. Pp. xlvii, 517.)

At last we may say that we have an adequate critical edition of the *Defensor Pacis*. Apart from Cartellieri's reprint of Book I from the first edition and the much abridged text of Scholz in the Teubner series based only on the earlier printed editions, students of the history of political thought have hitherto had to depend upon the rare and uncritical version in Goldast's *Monarchia* for their knowledge of the most important political writing of the fourteenth century and one of the most important of the whole Middle Ages. There is no one interested in medieval thought or institutions but must feel under a heavy debt to Mr. Previté-Orton for this admirable edition based on the manuscripts.

It is, of course, impossible without a comparison with the Mss. themselves to make an adequate estimate of the thoroughness of the editor's work, but judged by every test that one can apply short of such a comparison, this edition seems in every way to meet all the needs of the most exacting scholarship.

A good illustration of the practical value of an accurate critical edition like this appears in the text of Book I, chapter 12, one of the most important chapters in the whole book. There the author declared the "legislator," or first and proper effective cause of law in a state, to be the people, or collective whole of the citizens, or else *eius valentior partem*. Some interpreters have seen in this phrase *pars valentior* an announcement of the principle of majority rule and have placed its author among the moderns. They have found one reason for doing so in the author's explanatory statement closely following: *valentior inquam partem considerata quantitate in communitate illa super quam lex fertur*. So it is in the first printed edition of 1522, in Goldast, and in Scholz's abridged version. But Mr. Previté-Orton's text shows that this passage is corrupt, and thus utterly refutes the important infer-

ence that has been drawn from it. In no less than eight of the Mss., including the best of them, it reads: *valentiorē inquam partē consideratā quantitatē personarum et qualitatē in communitate illa super quam lex fertur*. No one with this passage before him in its correct form could possibly interpret it any longer as meaning a numerical majority. The author of the *Defensor*, instead of anticipating the modern political practice, seems here more like the mouth-piece of Aristotle.

The text of the *Defensor* is preceded by an introduction—all too short—of forty-two pages, in which the editor gives a brief account of the work of its author or authors. It is here that a reviewer might be tempted to question some of the editor's conclusions. His profound knowledge of the medieval Italian communes has enabled him to draw some interesting parallels between their institutions and the statements in the *Defensor*, but this very knowledge may perhaps have led him to press these parallels too far in some cases. Thus, for example, he speaks of "the Italianate legislator" of the *Defensor* and compares it to the law-making assemblies of the communes. In this he seems to underrate the importance of the author's repeated assertions that he is simply following Aristotle. The term "legislator" itself comes from the thirteenth-century Latin version of Aristotle's *Politics* made by William of Maerbeka, on which the author undoubtedly depended, and it is a translation of Aristotle's νομο-θέτης. This is scarcely the "legislature" of modern times, or even that of the Italian cities. In the fourteenth century, there was no clear conception of a sharp separation of powers such as this seems to imply, nor, above all, was there the definite modern distinction between the constituent and the legislative function. The assembly this author has in mind seems more a constituent body than a legislative one; its functions are more those of a Solon or of the Athenian *Nomothetæ* than of a British Parliament or Italian *consiglio*. The political ideas are scarcely those of modern England, or even of medieval Padua, Verona, or Milan. They may, however, be medieval, and they are certainly Aristotelian.

This apparent over-emphasis on the Italian influence has somewhat affected the editor's views concerning the disputed question of the authorship of the *Defensor*. He admits that John of Jandun shared equally with Marsiglio of Padua in the favor of the Emperor and the censure of the Pope which resulted from the publication of this book, but he sees so many references to Italy in *Dictio I* that he cannot at-

tribute its authorship to anyone but the Italian Marsiglio, and thus is led to reduce the collaboration of John to very small proportions. If, however, it should turn out that some of these "Italianate" institutions and ideas were to be found, even though in less mature form, in France as well as Italy in the fourteenth century, there would be less objection to the view that this Book I of the *Defensor*, with its constant references to Aristotle and a very peculiar Latinity influenced by William of Maerbeka, is more likely to have come in the first place from the pen of John of Jandun, the well-known commentator on Aristotle, than from Marsiglio, who elsewhere shows no very special knowledge of Aristotle's works. To the reviewer, internal evidence seems to point to the probability that Marsiglio, though he may later have revised and arranged the treatise as a whole, was actual author only of *Dictio Secunda*, or Book II, and of a short introduction at the beginning of Book I; while practically all the remainder of Book I—with the possible exception of its concluding chapter, as suggested by Miss Tooley, in *Transactions of the Royal Historical Society*, Fourth Series, Volume IX—was originally the work of John of Jandun. The authorship of *Dictio Tertia* seems somewhat more uncertain—probably Marsiglio's—but is of little consequence.

C. H. McILWAIN.

Harvard University.

Until Philosophers Are Kings: A Study of the Political Theory of Plato and Aristotle in Relation to the Modern State. By ROGER CHANCE. With a Foreword by H. J. Laski (London: University of London Press. 1928. Pp. xiii, 293).

The task of measuring the actual achievements of the political community by referring to an ideal of the perfect state has been one of the interesting phases of post-war writing in political science. Plato's *Republic* and Aristotle's *Politics* have seemed more contemporary to some thinkers than official documents from Moscow or the metaphysics of the corporate state of Mussolini. To these writers it has seemed true "that the virtue of the good man is necessarily the same as the virtue of the citizen of the perfect state," and, "in the same manner, and by the same means through which a man becomes truly good, he will frame a state which will be truly good." A new citizenship today has seemed to create loyalties which an old order could not command. Professor Laski suggests this in his foreword by saying that "Mr. Chance has

sought to discover in the faith of Plato and Aristotle the secret which still makes them, for all students of politics, the most living of our masters."

Mr. Chance makes his point of view plain. He quotes with approval A. E. Russell in *The Interpreters*: "Politics is a profane science only because it has not discovered it has roots in sacred or spiritual things and must deal with them;" and he adds that the reader who does not hold this view must consult Machiavelli for his polity. The book was written because the author is convinced of the importance of the better comprehension of the ideas of Plato and Aristotle for the solution of modern and social problems, and because he feels the necessity of casting these ideas before a wider circle of readers. Most must see that "politics can only serve humanity if regarded *sub specie aeternitatis*." It may or may not be practical politics to attempt to enlighten the popular mind, but Mr. Chance is certain that the practical artificer and administrator of empires has heretofore always confused ends with means and plunged civilization into chaos by ignoring the search of the artist and philosopher for beauty and for truth. Again and again throughout this vivid and fresh survey of the thought of the Greek masters, politics is seen more in the study of the human motives behind the state than in the mechanism through which the state operates. These two philosophers of the ancient city-state never rode in a high-powered car or through the air, but students today do not find them dull critics of either the domestic or international policy of the most powerful nation on earth. They would not be awed by Moscow or Rome or by the prosperity of the United States. The mechanics of modern democracies might not be so confusing to these Greeks as some of the experts would have us think.

There is vigor and insight in the chapters dealing with the teachings of Plato and Aristotle, and their value is increased by the insistence of Mr. Chance that what they have to say is apt today in the solution of social and political problems. He has not merely again gone over the ground covered by Barker and Zimmern, but has looked at the modern democratic community, primarily England, in the light of the ideals of the ancient republic. This is his contribution. He believes that the most characteristic feature of the social philosophy of Plato and Aristotle is their insistent teaching that political science must be based on moral philosophy as a means to the end, and, though it would be wrong to extend the sphere of politics as widely as they do, their

point of view is surely one which should receive more attention than it does in modern practice. "The state exists as an instrument to further the common well-being of the community—a well-being which can only be properly expressed in personal terms, and on this account we say the basis of the state is ethical and personal."

The final chapter, "The Modern State," is a stimulating discussion of the political power of the community as it is realized in the modern state. This is related to the freedom of the individual, the aims of the state in a complex industrial system attempting to work out the ideal of equality and social justice, and to establish a sane international order. The optimism of the old individualism is as dead as mutton. But Mr. Chance does not retreat into an equally moribund collectivism. He happily sees an England "drunk with delights of collectivism," depending more upon the individual and in the organization of national life by voluntary, self-directing groups. Democracy has repudiated its old hopes because they are out-worn. The future is not confused by the resounding chatter about the failure of what is a pseudo-democracy. The failures have been taken as part of the game, and the indictment is not as keen as the skepticism which was calmly defined several thousand years ago. There is an imagination about the future of democracy which Mr. Chance would not dismiss; a direction of political power toward the good of the community as a whole, and the proportionate division of political power among those qualified to exercise it, may yet dominate popular government. "Democracy, as popularly understood today, deserves all that Plato and Aristotle said of it as a method of government; understood in a rational sense, it can still represent the political idealism of the human race."

This is a refreshing book, and it could be used effectively in courses in political theory. It could be read with profit by anyone who is interested in the motives which are behind the governments of men.

CHARLES W. PIPKIN.

Louisiana State University.

Der Patriotismus. Prolegomena zu seiner soziologischen Analyse. BY ROBERT MICHELS. (München und Leipzig: Verlag von Duncker & Humblot. 1929. Pp. viii; 269.)

Der Kampf zwischen Tschechen und Deutschen. By DR. EMANUEL RÁDL. (Reichenberg: Verlag Gebrüder Stiepel. 1928. Pp. iv; 208.)

The book by Mr. Michels, who is now professor of political economy in the University of Perugia, is brilliant, many-sided, and interesting, but it will be somewhat surprising to a reader who is seeking for an analysis of patriotism, in the modern sense, as the love and attachment of citizens to their national state. Though Professor Michels treats this aspect of the problem too, his chief concern is to describe and analyze all the various shades and hues of feeling and thought which are more or less intimately connected with modern patriotism. The lack of closer definitions and distinctions is sometimes embarrassing, but the author can ably refute such a charge by the very title of his book. Regarding the work from this point of view, it is really thrilling and illuminating, because there is nothing bookish or pedantic in it; the author, on the contrary, has gathered an amazing bunch of wild and sometimes exotic flowers connected with the emotion of patriotism. His source material is extremely rich and variegated. He utilizes history, newspaper articles, novels, poems, songs, private conversations, and anecdotes in order to find out the subtle and mysterious flavor of the love and attachment of the individual to his surroundings. Sometimes in a short anecdote we feel the pulsation of patriotism, and sometimes its pathology, clearer than in many systematic treatises.

Mr. Michels is always interesting and piquant in the analysis of the most varying aspects of the problem, though seldom thoroughgoing and exhaustive. His book is more a kaleidoscopic survey than a photograph of patriotism. The feeling of nostalgia, the longing for the native woman or for native food, the love of the native village, the *Campanilismo*, the relation of love for the home to love for the country, the antagonism between the city and the village, the "sociology of the foreign," the significance of the *Sanspatrie*, the psychology of the traveller, the sociology of the political refugee, the emigration because of patriotism, and other nuances of the same melody of patriotism are sometimes very skilfully analyzed. A large and rich part of the book is devoted to the discussion of national songs, in which the author shows great discrimination in the field of music. On the other hand, at times important problems are scarcely touched or are incompletely analyzed. For instance, when he treats of the dramatic issue of the assimilation of foreign nationalities, he remains quite vague, and one

wonders why he, a close observer of facts, does not report one of the most characteristic and brutal episodes of our times in this field, the persecution of the German minority in southern Tyrol.

Just the opposite is the character of Professor Rádl's book. He devotes his book exclusively to one chapter of modern nationalism, i.e., the struggle between Czechs and Germans. This concentration makes his work a highly specialized study which will less attract the general reader, but which can be regarded as an important contribution to the history and sociology of a fight that was one of the chief factors in the dissolution of the Austro-Hungarian monarchy. Professor Rádl, himself a Czech and a professor in the Czech University of Prague, demonstrates with great vigor that Czech nationalism, in its ideological conception, was based by its founders, Palačký and his followers, on a romantic misrepresentation of historical facts; that neither the missionary work of the apostles of the Slavs, Kyrill and Method, nor the beginnings of Hussitism, nor the decree of Kuttenberg and other classic "documents" of Czech nationalism can be regarded as real manifestations of modern nationalism, but were the outcome of religious, social, or dynastic struggles. Czech nationalism originated far later, certainly not earlier than the end of the eighteenth century.

However, the most important part of Professor Rádl's book is not historical, but an acute analysis of Czech nationalism after the war, and a severe criticism of the nationality policy of the newly created state toward its national minorities, especially the Germans. The discussions and arguments of Mr. Rádl on this point belong among the best and most solid which have been written concerning the nationality problem of our time. He shows admirably that this vexed controversy cannot be settled on the basis of the old philosophy of the nation-state, and that only a new conception of the denationalization of the state and of the collective rights of nationalities as cultural organizations under the guarantee of the state can establish a harmonious coöperation among them. From the point of view of both theoretical and practical political science, we must receive the contribution of Professor Rádl with grateful acknowledgment.

Oberlin College.

OSCAR JÁSZI.

The History of Government. BY SIR CHARLES PETRIE. (London: Methuen and Company. 1929. Pp. x, 243.)¹

¹ An American edition of this book has been published by Little, Brown and Co. (Boston) under the title, *The Story of Government* (1929, pp. 329).

This book is a sketch, easily readable and yet thought-provoking, of certain types of governmental form, as found in all ages and climes. Polity in practice is the theme; theory is not involved except incidentally. The author is widely read in the literature of political history, ancient and modern. In his exposition he revels in the succinct, suggestive phrase that boldly summarizes an epoch or an institution, without embarrassing qualifications.

The central point of interest is democracy versus dictatorship. After brief chapters on the city state, the Roman Empire, the Middle Ages, and benevolent despotism, nearly two-thirds of the book is occupied by a survey of the century and a half since the storming of the Bastille. European democracy is surveyed in its "rise," its "apogee," and its "decline," with special attention to Britain, France, Spain, Italy, and Germany. The democratic experience of Switzerland and the Scandinavian countries is ignored.

One chapter is devoted to America, one-half of it to the area south of the Rio Grande, where "lies in all probability the secret of the future of the human race." Regarding the United States, one is interested to read that "traditions belong to the future rather than to the past;" that the Irish "for many years controlled the politics of the country of their adoption;" that the "President of the United States is an elected Lord Protector;" that sovereignty resides "in the Constitution itself, and in the interpretation that the courts of law may put upon it;" that "with the growth of population the Constitution is becoming increasingly more difficult to amend, and that [this] is admittedly a highly unsatisfactory state of affairs;" that our political stability is due to state's rights, and "it is difficult to praise too highly the good sense of the American people in setting its face so sternly against centralization."

Regarding government in Europe, the general idea in the background is that democracy is proving "incapable of coping with the problems of this post-war age." The ultimate doctrinal basis of the movement toward authority is not found in Nietzsche, Comte, or Hegel, but in the French Catholic and nationalist writers such as Maurras, who is regarded as "probably the greatest intellect in France today." The press is found to be, on the whole, "on the side of authority," a far cry from the situation of 1830, when the Paris revolution was made by journalists. The year 1914 proved that democracy and peace are not synonymous. The war exigency strengthened authority, cur-

tailoring personal liberty, as do also the post-war tendencies of a more and more complicated social structure. Without adducing evidence, the author asserts that "there can be no doubt that the various dictators have saved their countries from communism." On a similar basis stands the allegation that "all over the world there is among the middle class a steady falling off of interest in politics . . . and that sport is one of the chief causes of this decline is undeniable." But, most important of all, in the economic strife between capital and labor, free parliaments are found impotent to solve administrative and social problems. Dictators are called in or admitted for the purpose of saving society from anarchy, for preserving social liberty, though it be at the cost of political. But the temporariness of dictatorships is appreciated; "in spite of the firmness of a dictator's rule and of the prosperity which he always brings to the country which he governs, there is a latent feeling of uncertainty." "All human government rests in the last resort upon force, but the dictatorship more so than most." Is not this the precariousness as well as the inhumanity of tyranny?

HENRY RUSSELL SPENCER.

Ohio State University.

Characters and Events: Popular Essays in Social and Political Philosophy. BY JOHN DEWEY. Edited by Joseph Ratner. (New York: Henry Holt and Company. 1929. Two volumes. Pp. v-vii, 1-431, 435-855.)

This is a collection of articles written by Dr. Dewey at various times and published in various journals. Some indeed are reprinted here for the second time, having been collected and published (after their appearance in the *New Republic*) as one of the New Republic series. It is well worth while republishing them all; it enables the student of modern American thought to have available in convenient form some of Dr. Dewey's most important writings to supplement the series of lectures published a year or so ago under the title, *The Public and its Problems*. The present volume, indeed, is indispensable both for an understanding of the author's approach to political questions and as a wise and penetrating contribution to political theory by one who has thought much concerning American experience. It supplies, with the collected papers, a substantial answer to those who fail to

find any significant writings on political theory coming from this country.

The collected papers fall into five sections. The first contains character sketches and appraisals of educators, poets, and men of "public affairs," e.g., Kant, Arnold, Wells, Emerson, William James, Justice Holmes, and Roosevelt. It is followed by a section on "events and meanings"—notes of travel and observation in Japan, China, Russia, Turkey, and Mexico. These are exceedingly interesting. In the first place, it is worth noting that Dr. Dewey has a genius for studying states that are at present in process of rapid cultural change with consequent political upheaval. Again, he is not content with a record of turmoil, but persists in a search for the more meaningful aspects of events and institutions incident to these changes. Naturally related to these papers is the third section on America, with swift and literally occasional reflections on American culture as revealed in events and persons. These selections lead to the fourth section on war and peace—papers that satisfy one less, perhaps, than any of the others, yet reveal a sensitive person trying with great courage and intellectual honesty to extract every possible gain from the tragic events of the war and the post-war period for the benefit of the society entangled in the day-to-day struggles and toils of the time. The final section—"Towards Democracy"—contains many discussions of the method and present situation of the social studies. They are valuable to the political scientist for technical and professional reasons, quite apart from their more general worth.

Perhaps the following quotation (p. 500) represents with rough justice the clue to these selections, widely gathered yet with a dominant theme: "To transmute a society built on an industry which is not yet humanized into a society which wields its knowledge and industrial power in behalf of a democratic culture requires the courage of an inspired imagination. I am one of those who think that the only test and justification of any form of political and economic society is its contribution to art and science—to what may roundly be called culture. That America has not yet so justified itself is too obvious for even lament. The explanation that the physical conquest of a continent had first to be completed is an inversion. To settle a continent is to put it in order, and this is a work which comes after, not before, great intelligence and great art. The accomplishment of the justification is then hugely difficult. For it means nothing less than the dis-

- covery and application of a method of subduing and settling nature in the interests of a democracy, that is to say, the masses who shall form a community of directed thought and emotion in spite of being the masses. That this has not yet been effected goes without saying. It has never even been attempted before. Hence the puny irrelevancy that measures our strivings with yard-sticks handed down from class cultures of the past."

The teacher of politics should introduce his students to many of these essays. For himself, they may be put beside his letters of William James, to be pondered over at leisure. He will not be able to review them briefly, or quickly. But they will become some part of his stock of ideas.

JOHN M. GAUS.

University of Wisconsin.

Thomas Jefferson: The Apostle of Americanism. BY GILBERT CHINARD. (Boston: Little, Brown and Company. 1929. Pp. xx, 548.)

For a good many years Professor Chinard, of Johns Hopkins University, has been preparing for the writing of this book. He has edited several important volumes of source material, notably the *Common-place Book*; he has written four volumes dealing in whole or in part with Jefferson's relations with French thought and French thinkers; and he has read reams of unpublished Jefferson manuscripts. The resulting book is an excellent study of the mind of the great Virginian. It is not merely an exposition and analysis of Jefferson's ideas; it is also a biography, and a good one. The biographical element is, however, somewhat subordinated to the philosophical. One can find in the book a fairly complete account of Jefferson's life, and especially of his political career, but there are several other works which tell that story in greater detail. No other book presents so nearly complete and satisfactory an account of Jefferson's political and social thought.

As one might expect, the author is at his best when dealing with Jefferson's debt to French theories. He has made abundantly clear what should have been made clear long ago, that Jefferson borrowed very little indeed from the French thinkers. In doing so he has, among other things, shown that Jefferson, at least after 1800, was not so Physiocratic as has commonly been supposed.

If the author writes with a sure touch when French thought is involved, he is not always so happy in dealing with the English origins

of Jefferson's ideas or with contemporary American thought. A more detailed acquaintance with the English and American backgrounds would have prevented him from over-emphasizing the originality and importance of the hitherto unpublished manuscript given on pages 80-82. Certainly it does not warrant the clear implication that Jefferson borrowed from Lord Kames, rather than "from any of the eloquent and famous thinkers of France and England," the "main principles of his philosophy" (p. 85). Nor is there adequate proof of the startling statement that Jeffersonian democracy "was born under the sign of Hengist and Horsa," that, in other words, it is Anglo-Saxon in origin (p. 87; cf. p. xiii). Jefferson's remarks on the subject are hardly to be taken very seriously except as indicating his ignorance of early English government. The author's claim that the letter to Gerry in 1799 contains the first complete definition of government and of Americanism (p. 352) seems singularly weak. After all, Jefferson's is not the only brand of Americanism that has flourished in this country. Nor, for that matter, does this letter contain any very remarkable or complete version of Jefferson's ideas; in the *Notes on Virginia* one finds him setting forth highly important theories which are not here repeated. The brief but excellent comment on John Adams (p. 323), a thinker to whom biographers of Jefferson rarely do justice, does much to make up for these shortcomings.

A few errors should be corrected in the next edition. Paine's *Common Sense* appeared six months too late to influence Jefferson in the summer of 1775 (p. 60). The first printed edition of the *Notes on Virginia* was in 1784, not 1787 (p. 118). It is misleading to say that the Kentucky Resolutions were "followed by much milder representations from other state legislatures," since, with the exception of Virginia, all of the states which took action on the subject opposed the Kentucky doctrine (p. 349).

B. F. WRIGHT, JR.

Harvard University.

The Labor Injunction. BY FELIX FRANKFURTER AND NATHAN GREENE.
(New York: The Macmillan Company. 1930. Pp. 343.)

In 1924 there appeared a volume by John P. Frey under the same title as the book under review. Frey's book, with an introduction by Samuel Gompers, was avowedly a study of the injunction from the

point of view of labor. As such, it was a contribution of merit and value. But this book left unanswered questions concerning the history of the injunction, its operation in practice, the uses which it serves, the abuses to which it has given rise, legislative efforts to curb the use of injunction in labor controversies, and, finally, whether or not the labor injunction represents a desirable social policy. The volume by Frankfurter and Greene is devoted to a consideration of these questions.

The task of the authors was greatly lightened by the work of others in this field. A few monographs and many articles had already appeared dealing with various phases of the problem. What was needed was an impartial, authoritative, and systematic treatment of the whole subject. This need is satisfied in a very creditable manner by the study under review. The book falls into five chapters: "Allowable Area of Economic Conflict;" "Procedure and Proof Underlying Labor Injunctions;" "Scope of Labor Injunctions and their Enforcement;" "Legislation Affecting Labor Injunctions;" and "Conclusions." Chapters I and IV embody material that is largely available elsewhere; Chapters II and III bring to light many new and, in some instances, rather alarming facts.

The extent of the use of injunctions in labor disputes, although generally understood to be widespread, is by no means fully appreciated. This is due to the fact that the majority of injunctions issued are not reported. "Of fifteen injunctions issued during the Pullman strike in 1894, ten were never reported" (p. 50). This is only one of many illustrations of the wide discrepancy that exists between the courts' doings and a record of the courts' doings. Pages 53-81, which deal with procedure and proof underlying injunctions, go to the very root of the injunction evil. "Of the one hundred and eighteen cases reported in the federal courts during the last twenty-seven years, not less than seventy *ex parte* restraining orders were granted without notice to the defendants or opportunity to be heard. In but twelve of these instances was the bill of complaint accompanied by supporting affidavits; in the remaining fifty-eight cases, the court's interdict issued upon the mere submission of a bill expressing conventional formulas, frequently even without verification. Of the fifty-eight restraining orders so granted, twelve seem never to have come on for further hearing—even the very inadequate hearing incidental to the proceeding for a temporary injunction" (p. 64).

Two methods have been followed by legislative bodies in their efforts to correct the abuses of the injunction: changes have been made in the substantive law; other measures were designed to correct procedural evils. Legislation under the first head has usually proved futile. The Supreme Court found that the Clayton Act made no radical changes in the substantive law. In Massachusetts and Arizona, legislation narrowing the scope of equitable jurisdiction in labor disputes was declared unconstitutional. The Arizona statute is the only one of this nature which has been passed upon by the Supreme Court. Since Chief Justice Taft based his decision largely on the equal protection of the laws clause, the authors conclude (p. 220)—rather too confidently, so it would seem to the reviewer—that a similar federal enactment would weather the test of constitutionality. "It is hardly to be assumed that the application given in *Truax v. Corrigan* to the equal protection clause of the Fourteenth Amendment will be imposed upon the due process clause of the Fifth Amendment." As a matter of fact, Mr. Taft himself, discussing in 1914 the constitutionality of a congressional proposal to exclude trade-unions and farmers from the operation of the anti-trust act, said: "It would be a question whether the Supreme Court might not find in the first eight amendments of the Constitution a prohibition upon congressional legislation having similar unjust operation" (i.e., denial of equal protection of the laws). Moreover, a recent comparative study of the Court's interpretation of the due process clauses of the Fifth and Fourteenth Amendments shows that, although the scope of the due process clauses is usually construed as identical, the Court concedes to the nation a slightly wider range of action, at the expense of individual and property rights, than it allows to the states.

Legislation, both federal and state, affecting substantive law and equity jurisdiction has been found after judicial interpretation to be declaratory of the existing law (as was true of the Clayton Act and several state enactments), and therefore of little benefit to labor, or, in case any substantial change was made in the substantive law or equity jurisdiction (as was true in the Massachusetts and Arizona statutes), the legislation has been found wanting on grounds of constitutionality. Even the procedural requirements which federal and state courts of equity are henceforth bound by statute to follow have not, in the opinion of the authors, been "systematically adjusted to modern needs." The one notable change which this legislation has made affect-

- ing the labor injunction "is the protection of jury trial in contempt proceedings that involve accusations of crime" (p. 198).

"The injunction is America's distinctive contribution in application to industrial strife" (p. 53). Heretofore it has been almost exclusively a legal instrument in the hands of the employer. In two instances, however, the government appealed to a court of equity for relief against the unlawful conduct of laborers. The first complaint was filed by the United States attorney in the Pullman strike of 1894, and the second was filed in the railway shopmen's strike of 1922. It was the government's action and the court's decision in the Debs case that gave currency to the famous phrase "government by injunction." More recently, trade unions have themselves appealed to equity courts for protection against employers. Only four scant pages (108-112) of the present volume are given to this subject, whereas the subject-matter involved would seem to warrant an entire chapter. The instances in which unions have invoked the injunction are not, as the authors say (p. 108), "few and sporadic." A recent study shows that during the period 1892-1929 unions or their representatives appealed for injunctive relief no less than seventy-two times.

The book concludes with a detailed consideration of the Shipstead Anti-Injunction Bill now pending before Congress. This measure the authors regard as "the most considered legislative effort that has yet come before Congress attempting to grapple with the difficulties of intervention by law in the controversies of industry . . . and should be translated into law" (pp. 226-27).

The volume includes nine appendices that are both pertinent and instructive; also an alphabetical table of cases and an adequate index. The excellent and voluminous footnotes are a notable feature. This fact makes all the more glaring the absence in Chapter IV of any reference to Spelling and Lewis' very excellent analysis of the labor clauses of the Clayton Act.

ALPHEUS T. MASON.

Princeton University.

American Influences on Canadian Government. BY WILLIAM BENNETT MUNRO. (New York: Macmillan Company. 1929. Pp. iii, 153.)

This interesting little book comprises three lectures delivered at the University of Toronto in 1929 under the Marfleet Foundation. "In the government and politics of Canada," concludes Professor Munro,

"most of what is superimposed is British; but most of what works its way in from the bottom is American." This thesis is supported by a wealth of detail on each of the three subjects treated—the constitution, party politics, and municipal government. Federalism in Canada was designed in the light of American experience and aimed at creating a strong central government, among other means by reserving to the dominion the residual power in all but purely provincial matters. Judicial interpretation has given Canadian federalism an American cast by virtually transferring the residual power to the provinces. Though the Canadian constitution has no bill of rights, the federal power to disallow provincial legislation has tended to effect the same end, in the matter of provincial legislation at least. Canadian parties, though labelled with English names, are essentially American in organization, in relying on the spoils of office for their sustenance, and in their internal divisions due to sectional cleavages. The frontier, the paramount force in American politics in the nineteenth century, dominates Canada in the twentieth. Municipal institutions, though English in origin, have tended to become American in form, adopting such practices as division of administrative responsibility, taxation of owners rather than occupiers of real property, and direct legislation.

Though some of Professor Munro's illustrations of his thesis may seem a little far-fetched, there is a wholesome breath of iconoclasm as regards both Canadian and American institutions. The thoughtful reader will perhaps wish that the author had gone further below the surface to discuss how far the Americanization of Canadian institutions is the result of imitation and how far of similarity of economic and other conditions. But it is perhaps too much to expect a work of political theory in a course of lectures obviously intended for the layman rather than exclusively for the specialist.

ROBERT A. MACKAY.

Dalhousie University.

American Government. BY CALEB PERRY PATTERSON. (New York: D. C. Heath and Company. 1929. Pp. xlv, 888.)

Professor Patterson has written a comprehensive book on American government. Here between the covers of a single volume one finds a discussion of all phases of our government, together with an introductory chapter on "theories of the state." What it lacks in originality is compensated for by the breadth of the field covered. The

major divisions are those of the traditional textbook (national-state-local), and the treatment is formalistic rather than functional. Although Professor Patterson has studiously avoided taking sides on controversial questions, there are brief excursions from time to time into the political and social implications of the various problems presented.

"Facts," says the author, "have been subordinated to principles and tendencies and opinion has been expressed to give form and direction to detail and to provoke thought and discussion." Upon reading the book, however, the net impression is that facts have been emphasized at the expense of principle and that few opinions have been expressed. There are, of course, certain exceptions. For instance on page 131 we find: "Personal liberty includes the right to labor at any trade, to follow any business, and to make contracts. No individual can be restrained by any person, combination, or the government in the exercise of his faculties in any manner whatsoever." One is compelled to put this down as opinion, for it is certainly not fact. It would be easy to name a considerable list of trades and occupations which the individual is not at liberty to pursue. Furthermore, constitutional guarantees of individual liberty do not extend to interference with personal rights by other individuals and groups unless such interference takes place under the authority of a legislative act. As the Supreme Court declared in the Civil Rights Cases, "the wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of the individual. . . ."

In a book which the author says lays emphasis on principles and tendencies, it is to be regretted that so little attention is given to the problems arising under the prohibition laws, the virtual nullification of the Fourteenth and Fifteenth Amendments in the South, the use of injunctions in labor disputes, judicial review, and the regulation of public utilities. Each of these topics receives only the most cursory treatment.

However, one cannot put everything into a single volume. Professor Patterson's book will fill a real need for those who seek a textbook giving the history and structure of our political institutions. The book should prove especially helpful to teachers in institutions with inadequate library facilities. For those who prefer a critical discussion of fundamental problems in American government, the present

book is less satisfactory than Beard's *American Government and Politics*, or even McBain's little volume on *The Living Constitution*.

PETER H. ODEGARD.

Williams College.

Urban Democracy. BY CHESTER C. MAXEY. (New York: D. C. Heath and Company. 1929. Pp. iv, 408.)

American City Government and Administration. BY AUSTIN F. MACDONALD. (New York: Thomas Y. Crowell Company. 1929. Pp. xv, 762.)

Of the making of textbooks there is no end—certainly not in the field of municipal government. The reader consequently is apt to approach each new venture in critical and inhospitable temper, for with appetite satiated new viands are less alluring. Added to this is the suspicion that publisher competition rather than the author's sense of contribution is the compelling motivation.

Happily, this disposition is largely dissolved by the time one has perused the first six chapters of Professor Maxey's book. There is room for the entire treatment, if only to make these early surveys available and to give them setting. The sections on municipal relations with the state and on organization and function, though well done, are not the marked contribution to the student that these earlier chapters are, particularly in their introduction to modern municipal life. The descriptive portions of the book do not sustain the high level of achievement indicated in its beginning, but are not wanting in merit. A serious attempt is made throughout to relate the life process in urban communities with the governmental forms and procedures through which it passes. The author is to be congratulated on sensing the need for such treatment and on his attempt to supply it.

Another praiseworthy undertaking in the book is the effort to integrate European and Latin American municipal experience with the treatment of American urban institutions. Limitations of objective and space seem to impair the kind of comparative survey so essential to convey a lasting impression of foreign achievements. The student fails to sense the *ethos* of which urban life abroad is one of the expressions, and thus is unable to grasp the basic contrasts with American municipal life which are reflected in municipal organization and administration. On the other hand, the chapters dealing with the services

and functions of American municipal administration are illuminating in their more adequate revelation of the life forces which call forth municipal control, direction, and integration. The author's closing chapter is on a par with his opening ones, admirably defines the nature of urban problems today, and invites the sort of mind-stretching so essential to their solution.

Professor MacDonald's book is a more pretentious undertaking. It follows conventional lines, on the theory that "a textbook is not the place to make radical experiments"—a convenient rationalization for making it safe and saleable. Within the limits of a single volume, the entire range of municipal government and organization are surveyed. The treatment is singularly lucid. The author displays unusual facility in the power of weaving illustrative material into the text without obscuring the points under discussion. The result is to bring together in measurable compass a great deal of valuable and stimulating information. The options that are available in organization and administration are indicated in terms of specific performance. The life situations out of which these experiences emerge is largely left for the sophistication or imagination of the student to provide, but the descriptive material is abundant and pertinent.

A valuable innovation is the chapter on "The Theory of City Government." In it are integrated the fundamental ideas which have governed municipal organizations, the movement toward its reform, and an attempt to formulate the political philosophy underlying sound municipal organization and administration. Briefly, the doctrines of concentration of authority under responsible auspices, the simplification of structure within the limits of electoral understanding, and the recognition of confidence in public officials as the basis of achievement are set forth as the foundation of good government.

The vitality of the work is demonstrated in the chapters dealing with utility regulation and municipal ownership. Each is a vivid and forceful presentation of the respective policies under review and of the purposes toward which they are directed. Yet one misses something of that sweep of apprehension which brings into bold relief the conflict between the property *mores* of a simpler, individualistic society and the collectivist tendencies generated in modern urban life.

Both of these books are well implemented for the benefit of teachers and students who wish such aids to their work. The citation of im-

portant periodical literature is a feature of Professor MacDonald's reference lists.

RUSSELL M. STORY.

Pomona College.

Federal Limitations Upon Municipal Ordinance-Making Power. By HARVEY WALKER. (Columbus: Ohio State University Press. 1929. Pp. viii, 207.)

In his introduction the author states that two sets of facts should be made available for every municipal ordinance draftsman. One of these is a statement of the law of his own state affecting ordinance-making, and the other a summary of the constitutional rules laid down by the United States Supreme Court and applicable in every state. The author is attempting to provide the "facts of the second type." The result is a short but worthwhile summary of the decisions of the Supreme Court which have shown the limitations upon municipal ordinance-making. But few "facts" are found and fewer "rules" laid down. This is not the fault of the author, as it is attempting the impossible to digest the constitutional limitations upon ordinance-making and present them as rules or as facts.

The book is divided into five chapters. In the first one, municipal corporations in general are discussed, and the remaining chapters take up the fate of many ordinances when they are considered by our court of last resort. By giving in brief the facts of most of the cases and then the decision, an interesting insight into the field of constitutional limitations is afforded. The effect of the commerce clause, the contract clause, and the Fourteenth Amendment is shown in a skillful way, and the result should prove of value to the man who frames municipal ordinances or to the lawyer who does not own the ponderous works on municipal corporations by Dillon and McQuillin.

From the review of the cases as presented in this book it is found that the limitations upon the exercise of municipal control over commerce do not bear harshly upon the cities, although some attempts to pass ordinances for the benefit of local merchants are prevented by the Supreme Court. It is found that "municipalities frequently feel that they have made bad bargains and seek to avoid them by passing an ordinance to alter the terms of the contract or to repeal it." The cases which involve ordinances under the contract clause of the Constitution show that the Supreme Court has little sympathy with these

proposals. As to ordinances which involve the Fourteenth Amendment, the cases clearly show that the strict attitude of the Court is changing to a liberal view of the police-power needs of the large cities. There seems to be no "ground for a fear that the Court will tend to make the due process clause an excuse for federal meddling in state or local affairs."

The book should be read by all interested in municipal legislation, but it is doubtful, of course, whether it will have large appeal. Scholarly monographs published by university presses seldom reach those who may have most need for them. To the political scientist the book presents in terms concise and direct a host of cases defining by analogy the limits of municipal legislation.

The notes are full, but, except in a few cases, omit citations to the West Company's *Supreme Court Reports*. Generally these citations are of much value to the practicing lawyer. The citations given are not always uniform. Each chapter is followed by a summary, and some of the points in the summaries are more positive than they should be, due possibly to the desire to lay down rules. But the defects are trivial and do not begin to outweigh the merits of the volume. The title on the cover, "Municipal Ordinance-Making," is misleading, because the book has little to say about the making of ordinances, but attempts only to show the federal limitations upon ordinance-making.

NEWMAN F. BAKER.

Tulane University College of Law.

The Next Ten Years in British Social and Economic Policy. BY G. D. H. COLE. (New York: The Macmillan Company. 1929. Pp. 459.)

Politics and the Land. BY C. DAMPIER-WHETHAM. (London: Cambridge University Press. 1927. Pp. xii, 207.)

In the first of these books, Mr. G. D. H. Cole writes another lengthy chapter in his intellectual autobiography. The ardent guild socialist of the war and post-war period is now transformed into the cautious and tired liberal who has abandoned his former faith, and who, while still regarding himself as a socialist, believes that the "state must control policy but so far as possible avoid assuming the functions of administration."

The detailed and bulky program for which he argues is composed of the following main features: (1) The creation of a voluntary industrial

corps from the unemployed, who would be given work on public improvements and whose work would be financed by the profits from other undertakings and from the public revenues. (2) The formation of a National Board of Investment operating as an investment trust which would receive savings from investors and make loans to finance given industries. There would also be state regulation of new capital issues and control over foreign investments. (3) The rationalization of industry should be encouraged, even to the extent of permitting limitation of output in industries where, because of inelastic demand, there is a considerable degree of over-production. (4) Works councils should be set up with power over engagements and dismissals similar to those enjoyed by the German works councils. This proposal is about all that remains of Mr. Cole's guild socialism. (5) The state should pay family allowances for the children of the workers—the cost of which will amount to approximately one hundred million pounds a year. (6) The socialization of credit by means of government control over the Bank of England. Cole here adopts J. M. Keynes' program for the issuance of credit which would stimulate production and set the idle to work, and he reproduces Keynes' arguments that this could be done without inflation or a rise in the price level. (7) A system of coöperative marketing and credit, on the model of Denmark, is advocated for dairy products, bacon, eggs, etc., with an attendant grading of products according to quality. (8) The food supply from overseas should be purchased in bulk by public agencies. (9) New and larger governmental units should be created for the development of publicly owned super-power, housing projects, etc. Localities should, moreover, be given greater powers for the municipalization of local utilities. (10) The school age should be raised to fifteen, and perhaps to sixteen, years. (11) The money to carry through the ambitious program of unemployment relief and family allowance could be obtained by cutting down the public debt through the use of a modified version of Rignano's plan for a progressive taxation of inheritances through time, the refunding of the debt at a lower rate of interest, and a reduction of fifty million pounds in the military and naval expenditures. (12) More or less independent commissions should be set up to help consolidate private industry. These commissions would use the threat of possible government purchase as a weapon with which to compel the private owners to consent to a more efficient organization of their industries.

Mr. Dampier-Whetham's little book is a sharp attack on the land program of the Liberal party. He defends the landowning class against charges of inefficiency and lays the chief blame for the recent depression in agriculture to the fall in the general price level from 1920 to 1922 and to the deflation necessitated by the return to the gold standard. Since agricultural costs are generally incurred a considerable time in advance of the sale of the crops, this shrinkage in monetary values falls with special severity upon the former. The author's chief remedy is, therefore, the stabilization of the price level through international action.

PAUL H. DOUGLAS.

University of Chicago.

Italy. BY LUIGI VILLARI. (New York: Charles Scribner's Sons. 1929. Pp. 391.)

Books written from an admittedly propagandist viewpoint may elicit one's sympathy if they contain some new information; but propagandist books written under the cloak of scholarship will arouse the ire of the most docile exponent of impartial history. In reading *Italy* one is incensed not only by the thought that here is a work of pure propaganda published in a supposedly scholarly series (the Modern World Series, published under the editorship of H. A. L. Fisher), but also by the knowledge that the editor selected as the author a man who has so many fixed prejudices that his entire work is colored by them.

The book discloses (1) an ardent Italian nationalism, (2) an intense admiration for Fascism, (3) a violent opposition to socialism, and (4) a careless, uncritical historical method. As illustrative of the first two points, let us consider Villari's fundamental thesis. He maintains in good traditionalist fashion that Italy's liberalism was borrowed from England, her radical democracy from France, and her socialism from Germany. On the other hand, he believes that Fascism is indigenous to the Italian peninsula, that it is Italian, and that it is good. This generalization, like most generalizations, is open to criticism. Does not Fascist syndicalism have its roots in the doctrines of Sorel? Does not the Fascist conception of the state have its racines in the philosophy of Hegel? And does not the idea of a national mission go back to the preaching of French Jacobins? As illustrative of point number two, it may be noted that Villari states that the capitalist system and private ownership of property are a necessary condition of progress and

prosperity (p. 271). In the entire book he mentions the Fascist syndicalist Rossoni only once, and then in a most cursory fashion. And, finally to illustrate the careless methods used in the book, one will find on page 329 the statement that “. . . only a very small percentage of the inhabitants (of Alto Adige) are dissatisfied with Italian rule,” supported by citing a series of fanciful and tendentious newspaper articles.

The Italian experiment is an interesting and important one. It is one with which the political scientist should be in close touch and which the layman should not ignore. It is the belief of the present reviewer that more harm than good is done Fascism by such books as *Italy*. The author should state the facts as impartially as he can and let the reader judge them for himself. From my personal experience in the matter, I believe that this method will secure the approval of the more far-seeing Fascists. At least it is the one that those posing as scholars should employ.

SHEPARD B. CLOUGH.

Columbia University.

Soviet Rule in Russia. BY WALTER R. BATSELL. (New York: The Macmillan Company. 1929. Pp. ix, 857.)

The Soviet Union and Peace. With an introduction by Henri Barbusse. (New York: International Publishers. 1929. Pp. xiv, 280.)

New ground is broken by these two volumes on Russia—ground that is difficult to bring under intellectual cultivation, both because of the virgin character of the soil and of the lack, heretofore, of adequate facilities for mastering it.

Mr. Batsell, undertaking on the spot his survey of soviet institutions, came to his task with an eye to obtaining, out of the *mélange* of theory and practice in almost every phase of Russian political life, the objective reality derived from scientific observation and comprehensive documentation. The furrows turned by his plowshare are numerous, and have laid bare an unexpectedly rich store of raw material, which not only is accurately analyzed but is deliberately left open for the work of subsequent tillers. His volume is consciously “meant to serve as a foundation for studies of how Soviet Russia is ruled;” it notes that of the wide range of topics treated, all “call for detailed studies that have yet to be performed.” Mr. Batsell has, however, himself brought

large tracts into admirable cultivation. Nothing, throughout the volume, is done superficially. To get at origins requires deep plowing, and Mr. Batsell has done excellent work on the beginnings of the soviet constitutional structure (pp. 37-95).

Perhaps the most signal contribution of the volume is to be found in its treatment of "Bolshevik imperialism," i.e., the problem of nationalities (Chaps. III, V, X) both as an aspect of local administration and as a factor in the consummation of the Soviet Union. These chapters are accompanied by an exhaustive, accurate, painstaking documentation which makes available to English readers, in many instances for the first time, the constitutions and principal administrative ordinances governing the Soviet Union and its various component parts. For these indispensable sources we shall long be under obligation to Mr. Batsell.

Another feature of the work is the section—equally well documented—devoted to a descriptive and analytical account of the functioning of soviet institutions, viz., congresses of soviets, central executive committees, soviets of people's commissars, and local administration. There is often a glint of humor in the picturing of the origin of some particular practice, as in the anecdote of Lenin and Trotsky regarding the institution of people's commissaries (p. 544). Finally, there is a treatment of the Communist party and the Third International. That the steamroller is an institution, not wholly restricted to American political organization is recurrently noticeable! The appraisal of institutions is, happily, both statistical and human—the product of personal observation and of the use of authoritative sources.

Throughout the volume Mr. Batsell shows the long-range trend of forces in Russian history, sees in present soviet institutions the renewal of the centralizing tendencies of Czarist days, and believes that the creating of the one-class state in the Soviet Union must sooner or later clash violently with the spirit of nascent nationalism in the peoples whom Bolshevik propaganda aroused from a condition of lethargy. The soviet state cannot, as a matter of principle, forego its class economic program. On the other hand, the accumulating forces of nationalism, particularly in the Ukraine, will not long be denied. It is, in the last analysis, in the possibility of raising up a new generation, born and bred in communism and dedicated to the realization of a new social order, that Mr. Batsell finds the strongest pillar and buttress for soviet rule. But there is always an undernote of skepti-

cism, an acknowledgement of the indeterminateness of Russia's evolution.

This attitude Mr. Barbusse does not share. He comes to the plow, to open up the furrows of peace, with the enthusiasm of a crusader and the assurance of a pontiff: "Every year of the existence of the Soviet Republics has been marked by an unceasing and resolute struggle for peace, for the liberation of tortured humanity from the horrors of military catastrophes. In the whole eleven years' history of the Soviets no step has been taken that was not directed toward the effective realization of peace. Despite the innumerable international obstacles put in the way of the Soviet Union by its imperialist foes and opponents, it has never relinquished its aspirations towards peace, never lost an opportunity of demonstrating them, and never refused to take the initiative in advancing the affairs of peace." Such is the peroration to a most interesting analysis, written in M. Barbusse's lucid and inimitable style, of the divers moves made by Soviet Russia to further international peace. For peace, to the soviet government, means arriving at a system of stable relations between states, based on political guarantees of non-aggression and virtually complete disarmament. On such bases alone is durable peace possible in a world made up of communist and non-communist commonwealths.

M. Barbusse's exposé of some twenty pages forms merely a prelude to a systematic compendium of important documents throwing into clear relief the attitude of the soviet government toward peace from the November Revolution to the Kellogg Pact. The chief value of the compilation lies in its careful juxtaposition of related topics in such fashion that the views expressed from the Kremlin rather intermittently are given pattern by the thread of continuity. The first section, devoted to "The November Revolution and Peace," is perhaps the most impressive portion, giving in sequence and design the larger phases of Bolshevik policy as carried out in the days when other countries were hampered, by war censorship and psychology, in evaluating objectively the ideological importance of manifestoes and appeals. The most novel document in this section is the draft treaty negotiated by Bullitt with the soviet authorities. It is a striking commentary on the short-sightedness of the peace-makers of Paris that, being interested primarily in erecting the Genevan edifice, they unceremoniously rejected in Bullitt's proposal—on the whole more favorable to democracy and capitalism than were the clauses of the agreements entered into in the final

Eastern peace—the principles of non-intervention and non-aggression • which have since become the cornerstones of soviet security.

With the content of the documents on Russian participation in peace and disarmament conferences the general reader is, of course, more familiar; a careful perusal of those on the Kellogg Pact might have saved Mr. Stimson considerable embarrassment last December! It is much to be regretted that the last section, on pacts of neutrality and non-aggression, did not include the Russo-German conciliation treaty of 1929 and the agreements between Poland, Rumania, and Russia for the peaceful liquidation of disputes.

MALBONE W. GRAHAM.

University of California at Los Angeles.

The Chinese Revolution: A Phase in the Regeneration of a World Power. BY ARTHUR N. HOLCOMBE. (Cambridge, Mass.: Harvard University Press. 1930. Pp. xiii, 401.)

This book is both good and satisfying. It came as a result of an investigation made under the auspices of the Bureau of International Research of Harvard University and Radcliffe College "for the purpose of estimating the influence of the Chinese Revolution upon the international relations in the Far East." The main part of the book is a study of Chinese politics. The other parts are: an epilogue which contains Professor Holcombe's reactions and conclusions; a prologue which is fascinatingly descriptive of one Chinese city's revolutionary life, and characteristic of much of the whole of China; and a series of appendices containing Sun Yat-sen's will, his outline for national reconstruction, a chronology of the Chinese Revolution, the constitution of the Kuomintang, and other documents essential to an understanding of the essential principles of the Revolution.

Professor Holcombe spent several months in travel and investigation in China. The reader who knows his China will be happy to note that the author approached his study objective via Suez, Singapore, and Annam; thus the "shocks" of the Orient which come from new smells, strange noises, confusing tongues, and topsy-turvy customs had become commonplace by the time his investigations began. As a result, the book is splendidly free from tourist prattle, treaty port gossip, and luncheon club entertainment. Free also is the book from propaganda. The reviewer failed to find, even among the citations, reference to any-

thing of a propagandist nature. This indeed is refreshing for books dealing with revolution.

The reportorial story of the investigation is informative and complete. It reflects earnest observation of the present and careful study of authors of the first order who have dealt with the fundamentals of the past. It is this characteristic which makes it necessary to describe the book as scholarly. That said, the reader must needs be reassured. Scholarship is present, but it is in no sense a blight.

Professor Holcombe has given us an excellent historical résumé, with not much of importance left out. In this we see restated in attractive narrative style what those who have understood things Chinese have pointed out before, but which the average writer or prejudiced observer could never see—that there has been as much confusion and uncertainty of action and policy on the part of the Powers dealing with China as there have been turmoil, instability, and downright chicanery on the part of those factions, parties, or persons who acted for China. Professor Holcombe kills, we hope forever, the assumption that political capacity is a racial characteristic; also, that duller academic fallacy that Europeans only may be termed political peoples.

One lays down the book with a feeling of encouragement. The reader is willing to accept Professor Holcombe's admonition not to compare the Chinese with Englishmen, Frenchmen, or Germans, but with Europeans; and the comparison is not so disadvantageous to China, even from a political standpoint. China is certainly not a political unit; but neither is Europe. "It may take a long time for the Chinese to complete the reconstruction of their state. Or the work of reconstruction may be on the verge of making rapid progress. In either event, the course of the Revolution indicates that there is no policy more promising in the long run for the tranquility of the Far East and the peace of the world than the exercise of the necessary patience and forbearance by the Powers while the Chinese themselves set their own house in order. Statesmen who look beyond the next presidential campaign or ministerial crisis at home and all forward-looking people everywhere will justify this policy by their confidence in the political capacity of the Chinese" (p. 347).

ELBERT D. THOMAS.

University of Utah.

A History of Nationalism in the East. BY HANS KOHN. Translated by Margaret W. Green. (New York: Harcourt, Brace and Company. 1929. Pp. xi, 476.)

The appearance of nationalism as a factor of real importance in the East is a relatively recent development, but already its effects have been so widespread and multifarious as to make it a matter of the greatest difficulty for the student of Oriental and Near Eastern affairs to get a comprehensive picture of the movements. For this reason, the translation of Dr. Kohn's *Geschichte der nationalen Bewegung im Orient*, which appeared in Germany in 1928, is warmly to be welcomed. If it cannot be accepted as a definitive work on the subject, it at least brings together between two covers a mass of material which stood in increasingly urgent need of coherent treatment.

The scope of the work is limited, despite the broader implications of its title, to the territories stretching from Egypt to India. Dr. Kohn takes only passing notice of the nationalisms of China and Japan at one extreme of his arbitrarily imposed limits and of the North African areas, to the west of Egypt, at the other. A further limitation to which the author has adhered less rigidly than to these geographical boundaries is contained in the prefatory statement that he "does not seek to recount the history of the countries and peoples concerned, but rather, as far as is possible in relation to the immediate past, to trace the main lines of evolution in the history of political thought." In fact, the bulk of the work is concerned less with the development or analysis of political ideas than with an outline of historical events, occasionally running to considerable detail.

An interesting conception, developed at some length by Dr. Kohn, is that the nationalist movements of the East have been preceded by a religious revival or reformation, similar in nature and effect to the Reformation in Europe. Although the Orient did not form a religious unit, he holds that "everywhere its fundamental attitude toward religious questions was the same;" at all events, the whole structure of social and intellectual life was based on the foundation of religion, whether it was that of Islam or that of the Far East. In the immediate past, he maintains, nationalism has supplanted religion as the governing principle in the East, as it did in Europe from the eighteenth century onwards.

The present force and direction of nationalism in the East Dr. Kohn

believes to be derived from two main sources: the joint and ultimately self-contradictory pressure of British imperialism and education (taken broadly as the influence of British ideals) on the one hand, and, on the other, the influence and direct support of Bolshevik Russia. In the latter connection, it might perhaps be suggested that he has taken somewhat too much at face value the professions by the Soviet leaders of disinterested affection for the oppressed masses of the East. He quotes Stalin as writing that, "regarded objectively, the struggle of the Emir of Afghanistan for his country's independence is a revolutionary struggle, notwithstanding the fact that the Emir and his ministers are monarchists; for it is undermining imperialism." But this aspect of Bolshevik policy Dr. Kohn has rather neglected.

How deep into the masses this modern nationalism has sunk, the extent to which it may properly be regarded as a popular movement, are problems to which Dr. Kohn has scarcely given adequate consideration. Have the older and essentially unreformed faiths still a solid grip on the multitudes, or have they in fact been supplanted by the nationalist principle? Relying for the most part on literary sources—that is, the speeches and writings of the religious and political leaders of the East—rather than on personal investigation in the several areas, Dr. Kohn appears, on the whole, to overestimate the change that has come over the psychology of the Orient. Oriental nationalism is surely a force to be reckoned with, but it is at least doubtful whether the political psychology of the Western world has as radically transformed the Orient as its Western-trained leaders might lead one to believe.

RUPERT EMERSON.

Harvard University.

The United States and the World Court. BY PHILIP C. JESSUP. (Boston: World Peace Foundation. 1929. Pp. 159.)

This World of Nations. BY PITMAN B. POTTER. (New York: Macmillan Company. 1929. Pp. 366.)

In his *The United States and the World Court*, Professor Jessup presents an authoritative account of the negotiations attendant upon the consent of the Senate of the United States (with reservations) to adherence to the Permanent Court of International Justice, January 27, 1926. The willingness of members of the Court to make every possible effort to meet the reservations is depicted in a careful way,

each of the reservations being treated separately and in detail. The voluminous documentation, in appendices, presents, within one cover, an admirable survey of the entire situation surrounding the relationship of the United States to the Court. A wide reading of this book should help marshal public opinion in support of favorable action by the Senate, particularly as Professor Jessup confines himself entirely to the explanation of facts, without recourse to debate to prove the case.

This World of Nations will appeal to those who desire a non-technical, yet reasonably comprehensive, discussion of contemporary world problems. It might admirably meet the needs of popular study groups which desire to spend a meeting each upon such subjects as the relation of geography to world politics, the development of international law, the nature and activities of diplomatic service, the purpose and procedure of treaty-making, the foreign policy of the United States, arbitration as a cure for the ills of the world, the growth of the conference method of handling international problems, the nature and causes of war, the prospects of world peace, the origins and structure of Pan-Americanism, and the organization and activities of the League of Nations. It may be wondered that so much could be included within 366 pages, but it is evident that the book makes no attempt at exhaustive treatment, intended as it is for the enlightenment of casual readers.

W. LEON GODSHALL.

Union College.

BRIEFER NOTICES¹

AMERICAN GOVERNMENT AND CONSTITUTIONAL LAW

The Treaty Veto of the American Senate (Putnam's, pp. vi, 325), by Denna Frank Fleming, gives a full account of the part taken by the Senate in the consideration, rejection, and amendment of treaties. Beginning with the debates upon the treaty-making power in the Constitutional Convention, the author traces the exercise of this authority through the years. The material is presented topically under heads such as: treaties rejected by the Senate; arbitration treaties; treaties of peace; and the struggle over the League of Nations. Five chapters are very wisely given over to a discussion of the Senate and

¹ In the preparation of the Briefer Notices, the editor in charge of book reviews wishes to acknowledge the assistance of Dr. E. P. Herring.

foreign relations in the post-war period. The presentation is well organized, judiciously balanced, and well-tempered. The discussion is so orientated as to bring the Senate's past record and recent decisions to bear upon the important question as to the amount of weight this body should have in the control of foreign affairs. Quantitatively viewed, the number of treaties rejected by the Senate has not been great; but this does not mean that senatorial influence has been negligible. One's attitude as to the Senate's wisdom depends in large measure on one's opinion upon the particular issue involved. Professor Fleming, however, comes to the general conclusion that "the Senate retards unduly the peaceable adjustment of international relations." He then propounds this timely question: "Because a dozen men in the days of the sailing vessel and the ox cart thought that international agreements should be few and difficult to make, must we ever remain in the days of air travel and television—and beyond—at the mercy of any determined group of men in the Senate who happen to decide to block the way of progress?" This excellent study is concluded with a consideration of the various alternatives offered as a means of reducing the Senate's treaty veto power. The author presents an interesting and convincing case for lessening the Senate's authority in the ratification of treaties.—E.P.H.

The Fred Morgan Kirby Lectures delivered at Lafayette College in 1929 by Professor William Bennett Munro have been published by the Macmillan Company in a recent volume entitled *The Makers of the Unwritten Constitution* (pp. 156). After an introductory chapter explaining the expansion of the Constitution through usage and tradition, the author singles out four figures of outstanding and enduring importance in the making of our fundamental law. The high spots are summarized as follows: "Hamilton took hold of the economic provisions, gave them reality, and made them function . . . Marshall, during his long term as Chief Justice, reinforced Hamilton's work by widening the implied powers of the national government and making the Supreme Court their guardian. To Andrew Jackson we are indebted for having infused into the American political system a large part of the democracy which the framers of the original document did not intend it to possess. Finally, Woodrow Wilson demonstrated the latent powers of the chief executive and set presidential leadership upon a new plane." This material is developed in a light and lucid fashion that is all the more vivid because of the linking of personality

with abstract idea. The book is to be read for its emphasis upon significant constitutional developments rather than for its attention to detail. As popular lectures, the characterizations must have been singularly felicitous.

The Tragic Era, by Claude G. Bowers (Houghton Mifflin Company, pp. xxii, 567), is an unusually interesting book which holds the attention of the reader from beginning to end. It deals with the twelve-year period following the death of Lincoln. As stated by the author, "these were years of revolutionary turmoil, with the elemental passions predominant, and with broken bones and bloody noses among the fighting factionalists. The prevailing note was one of tragedy, though, as we shall see, there was an abundance of comedy, and not a little of farce. Never have American public men in responsible positions, directing the destiny of the Nation, been so brutal, hypocritical, and corrupt. The Constitution was treated as a doormat on which politicians and army officers wiped their feet after wading in the muck. . . . So appalling is the picture of these revolutionary years that even historians have preferred to overlook many essential things. Thus Andrew Johnson, who fought the bravest battle of constitutional liberty and for the preservation of our Constitution ever waged by an Executive, until recently was left in the pillory to which unscrupulous gamblers for power consigned him, because the unvarnished truth that vindicates him makes so many statues in public squares and parks seem a bit grotesque. Even now, few realize how intensely Lincoln was hated by the Radicals at the time of his death. A complete understanding of the period calls for a reappraisal of many public men. . . . I have sought to recreate the black and bloody drama of the years, and to show the leaders of fighting factions at close range, to picture the moving masses, both white and black, in North and South, surging crazily under the influence of the poisonous propaganda on which they are fed." These quotations are sufficient to give some conception of the author's point of view and of the method of treatment by which he has undertaken "to recreate the atmosphere and temper" of the period. Newspapers, memoirs, and biographies of the time have been used freely, and the author had access to the unpublished diary of George W. Julian, which covers the entire period. The book is full of illustrative material that should be of help to the teacher of American government and politics.

Thomas Beer, the author of *The Mauve Decade*, presents in *Hanna* (Alfred A. Knopf, pp. xi, 337) the picture of the pyrotechnic political period within which his hero, Mark Hanna, schemed and triumphed. The book is more than the story of a man; it is a novelized chronicle of political events from Lincoln's assassination to that of McKinley. For those who must have their history and politics presented in the guise of a story deftly and brilliantly recounted, Mr. Beer's book will be welcome reading. The biography is vivid, the style easy and epigrammatic, the method rambling and indirect, the general effect graphic. Here is an exploitation of the entertainment value of Mark Hanna and his contemporaries.

In his recent book, *The Other Side of Government* (Charles Scribner's Sons, pp. xii, 285), David Lawrence points out that "too much emphasis is put on the regulatory side of government." The technician as well as the politician has a place. "The government of the United States is the biggest business in the world." The author develops his material from this point of view, demonstrating in turn the various services performed by the federal administrative bureaus. These chapter headings are indicative of the general tenor: Elimination of Waste, Reorganizing Agriculture, River Control, Food Inspection. This book is frankly a popular exposition intended to give the layman an insight into government as an instrument of sympathetic coöperation in solving national problems.

Party Government in the United States (Princeton University Press, pp. 68) consists of two addresses by John W. Davis delivered under the Stafford Little lectureship. The style is, of course, flowing and the material familiar; the chief interest lies in Mr. Davis' personal reflections upon the political scene, which may be inferred here and there. The direct primary comes in for small praise.

FOREIGN AND COMPARATIVE GOVERNMENT

England, by Wilhelm Dibelius, professor of English in the University of Berlin (Harper and Brothers, pp. 569), is a notable book. As A. D. Lindsay points out in his introduction to the English translation, the study was intended "to help the German people to understand the people with whom they have been fighting." But much more than this is accomplished: the author has succeeded in portraying the British in

a judicious and penetrating fashion that leaves no important aspect of their characteristics or institutions obscured. The background of history, the country, the people, the constitution, the church, education, are among the topics discussed with understanding and from a fresh point of view that is very enlightening. There is keen comment, but no attempt at mere cleverness. The book has been compared to Bryce's *American Commonwealth*, and not without justification. Because of its scope and variety, it is difficult to sum up such a volume in a few sentences. It must be read to be appreciated.—E. P. H.

G. F. M. Campion's *An Introduction to the Procedure of the House of Commons* (London: Philip Allen and Company, pp. 308), by one of the assistant clerks of the British House of Commons, is something more than a manual of first-aid for new members. It presents a complete account of the procedure of the House on a scale midway between the official *Manual of Procedure* and May's classic *Parliamentary Practice*. It contains, in addition to a singularly lucid and precise explanation of procedure, much useful information about such matters as the privileges of the House, the duties of its officers, the classification of parliamentary papers, and the arrangement of the Chamber itself. To the student of government, the value of the book is enhanced by a clear account of the actual distribution of the time of the House among the different kinds of business. It is a book which will greatly assist the teacher of political science in making clear the intricacies of the practical operation of parliamentary government in its original home.—A. N. H.

With the same criteria that he employed in discussing the United States, André Siegfried turns his attention to his native country. The results were presented in a series of lectures at the Williamstown Institute of Politics, and are now published by the Yale University Press in a volume entitled *France, a Study in Nationality* (pp. viii, 122). As the basis of his essay, the author takes the viewpoint that "French politics happen to be less than anything else adapted to the preoccupations which are now dominating the world." Bluntly put, the antithesis seems to be between a cultural France and a materialistic world. Can the former retain its individualistic creed in a collectivistic age? "We lavish our best energies on this doctrine of individualism, which accounts for the rather inefficient material achievement of our de-

mocracy, such things not being its real aim. . . . Our democracy is Latin in origin, and therefore unlike the Anglo-Saxon democracies, where practical social accomplishments are the first consideration. Their program is to increase the comfort and material welfare of mankind, but they do not worry very much about its intellectual freedom. . . . What do we wish the community to stand for, the individual or production?" To Siegfried there can be but one answer: the French attitude, despite its probable social inefficiency, "justifies itself by an instinctive and a persistent determination to safeguard the individual." From this philosophic point of view, the author takes up in turn the French character, politics, parties, and groups in the legislative chamber.

Comte Louis de Lichtervelde's *Leopold of the Belgians* (Century Company, pp. 366), translated by Thomas H. Reed, will probably be, for a long time to come, the accepted treatment of the career of the second Belgian king, for it is written by a well-informed and understanding young Belgian who has already played an important part in the political life of the country. That Leopold, like all three of the Coburg rulers of Belgium, was an able man, no one will deny. If all the kings of European countries in the nineteenth century had been as adaptable as the kings of Belgium, there would undoubtedly be fewer republics on the continent today. Lichtervelde makes much of the evolution of the Belgian constitutional régime and the working of the royal influence, and the student of politics can learn much from this volume as to the ways and means by which the monarch can control and guide affairs even without overstepping his prerogatives. All this comes out most clearly in the story of the acquisition of the Congo by Leopold, almost in the teeth of general opposition in the country to a policy of colonial activity. It must be admitted that Lichtervelde, in his effort to vindicate Leopold in this matter, shows a strong tendency to lean over backward. Too much stress is laid upon the cleverness of the king and far too little consideration is given to the peculiar international situation in 1885 which made it relatively easy for Leopold to score a success. The king of the Belgians was undoubtedly a remarkable man, but to class him with Bismarck is going too far, and to try to whitewash his native policy in the Congo is apt to be a hopeless task.—W. L. L.

Whatever one may think of textbooks in general, it must be admitted that there is a special *raison d'être* for a book which attempts to summarize the developments of the past fifteen years in a popular and easily understandable fashion. Apart from the needs of the college student, there must be a considerable demand among laymen for a reliable manual to serve as a background for the study of current affairs. *Europe Since 1914*, by F. Lee Bennis (F. S. Crofts and Company, pp. 671), should fill this need admirably, for it is well proportioned and well informed, as well as being detached and unprejudiced. The general reader will find here all that he needs to know in order to follow the events of the day with intelligence. The black and white maps are simple and clear, and the rather extended bibliography contains ample suggestions for further reading. Of course the magnitude of the subject leads to problems which are frequently hard to solve to the satisfaction of everyone, and this is particularly true of the problems of arrangement. Without trying to find fault, it may be asked why it is necessary to enter upon a discussion of the affairs of Afghanistan, India, and China, when almost nothing is said of the effect of American policy on European affairs. Then again it may be questioned whether it was wise to separate the reparations question from a discussion of the domestic development of Germany after the war, or, for that matter, from the consideration of the problem of French security. It is in the coördination of material and in the study of interactions that the book is weakest, although the final chapter, in which the economic and social problems of post-war Europe are discussed, is the most adequate single part of the volume. —W. L. L.

Panaït Istrati, the well-known author of the series "Les Recits d'Adrien Zograff" for which the name of "Maxim Gorki of the Balkans" was given him, has emerged with renewed force in three volumes entitled *Vers l'Autre Flamme! Après Seize Mois dans l'U.R.S.S.* (pp. 284); *Soviets 1929* (pp. 213); *La Russie Nue* (pp. 334) (Paris: Les Editions Roeder). His trip to Russia in October, 1927, and his stay there for sixteen months, during which he traversed all Soviet Russia, west and east, south and north, provided Istrati with a new field of observation, from which he extracts impressions and conclusions of unique richness and forcefulness. The first volume is a confession of the dis-

appointment and defeat that his previous faith in the Revolution and Soviets suffered in Russia. His conclusion is that Russia aspires to a bourgeois society, as all nations that come out of a patriarchal life, and that it was a great misfortune that the attempt to establish a socialist state occurred in Russia. The second volume describes, with a calmness which is not in the Istrati style, the political life in Russia and brings out the domination of this life by an overpowering bureaucracy and a tyrannical minority. The last volume gives a picture of the life of the people of Russia, the every-day life of the worker and peasant, in a way that certainly was never given before. The author traveled in Russia as a *persona grata* of the Soviets, yet he lived among the common people as one of them. He has seen Russia with the eyes of a man who cared for truth, for the happiness and emancipation of the workers and peasants, and not for dogmatism and "official" information. And he cries out his disappointment, and often his indignation—for instance over the treatment of women. His material is derived from direct observation and from publications in communist papers in Russia. His presentation is most vivid and his insight admirable.—S. P. L.

Lenin, The Iskra Period, 1900-1902, Books I and II (International Publishers, pp. 336, 317) is Volume IV of the Collected Works of V. I. Lenin, edited by the Lenin Institute in Moscow in an authorized English translation. As is well known, this series brings together the writings and speeches of Lenin from 1893 to 1923. The present volume covers the period during which the *Iskra* and the *Zarya* were founded and published by Lenin and his group in Switzerland as the militant and theoretical organs, respectively, of Russian Marxism. A series of articles written by Lenin on the agrarian question in Russia is of special interest in view of the present situation in the country. The outstanding document is a long paper which was first published as a separate pamphlet in 1902 under the title "*What is to be done?*" This document is a synthesis of Lenin's basic ideas on the revolutionary movement and had a great influence in directing that movement. All through the volume one sees the ruthless dogmatism of Lenin and his impatience with people who chose a road in Russia or other countries which was not in strict harmony with Marxist revolutionary theory.

In *The Dilemma in India* (Constable and Co., Ltd., London, pp. xviv, 379), Sir Reginald Craddock has given outspoken and detailed

expression to the views of the Indian civil servants of the die-hard persuasion. His term of service in India covered a period of nearly forty years, under nine viceroys, and included the headship of two provinces and a seat in the executive council of the governor-general. Mincing no words, he professes a scorn for the Indian Swarajist politicians second only, perhaps, to his scorn for the Bolsheviks and all their works; and he derives from his lengthy experience with Indian affairs the conclusion that dominion status and independence almost equally spell a chaotic ruin for an India torn by internal faction and led, for the moment at least, by self-seeking radicals quite incapable of intelligent or trustworthy leadership. The Morley-Minto reforms are accepted as having been a legitimate and proper advance, but the reforms of 1919 are condemned as a tragic misstep, since their success depended upon the creation of a sense of responsibility where none might be expected. In conclusion, the author suggests the outlines of an Indo-British dominion in which the steel frame of British control remains the predominant factor.—R. E.

The first volume of the fourth edition of *Les Constitutions Modernes*, by F. R. Dareste and P. Dareste, as revised by Joseph Delpech and Julien Laferrier (Paris: Sirey, pp. xxxvii, 670), has been published. For nearly fifty years this collection of modern constitutions has met the needs of scholars, and the new edition will continue the traditional service. Professor Chavegrin of Paris writes the brief but suggestive preface, in which he reviews the principal types of governmental organization. A general bibliography follows, listing chronologically some forty collections of constitutional texts. The editors' collection starts with France, and this volume covers (alphabetically, in French) the European states from Albania to Greece inclusive. The more important texts appear in full; the less, in extracts and paraphrases. All are in French. To each is prefixed an historical note and a special bibliography. A map of no great value and a table of contents complete the volume. Unfortunately, the index for all the European constitutions is postponed to the end of the second volume. If it proves to be adequate, it will put the edge on a most useful tool of research.

Political Handbook of the World; Parliaments, Parties, and Press as of January 1, 1930 (Yale University Press, pp. 198), edited by Walter

H. Mallory and published under the auspices of the Council on Foreign Relations, is the latest issue of an annual volume which has become indispensable to scholars, writers, and editors concerned with current political affairs. The most useful features of the manual are the lists of political parties, with their leaders and programs, and of newspapers, with political affiliations and names of editors or proprietors. The latter list is planned to include mainly papers that are frequently quoted abroad, omitting some of large circulation and large influence locally.

The United States of Europe (Willett, Clark, and Colby, pp. 225), by Paul Hutchinson, is a journalist's view of the probability of a United States of Europe. It is based on a summer's trip through western Europe, with a sojourn at Geneva, during which time the author interviewed many "leaders of European opinion." The book concludes with a strong endorsement of Briand's plea for the formation of a United States of Europe.

INTERNATIONAL LAW AND RELATIONS

The essay, *The Exterritoriality of Ambassadors in the Sixteenth and Seventeenth Centuries* (Longmans, Green and Co., pp. 262), by E. R. Adair, takes the form of a brief in which the author defends the historical method as opposed to that of the jurists—not an altogether novel thesis nor convincingly expounded. Although Mr. Adair acknowledges the danger of "trying to give a historical basis to what is, after all, predominantly a legal subject," and although he is aware of the lack of a legal training that "may have led me into error," he nevertheless proceeds at once to the attack. Few lawyers in the centuries separating Gentilis from Fauchille are spared. The essay, dealing as it does with a legal subject, suffers somewhat in balance and coherence from the lack of a philosophical framework. Sovereignty, with its implications, is, for example, ignored. On the other hand, the author has devoted an over-abundance of space to the significance of practices and precedents in the evolution of extrterritoriality, a rather obvious point upon which there is little disagreement. There is ample evidence of the author's acquaintance with the historical background of that period, and if the legal implications of extrterritoriality have been somewhat neglected, the book nevertheless gives an interesting

account of the position of ambassadors in the sixteenth and seventeenth centuries. Among the points considered is the immunity in theory and in practice of the ambassador from criminal jurisdiction, civil jurisdiction, and from what is termed local jurisdiction. Several chapters, also, are given over to the immunity of the ambassador's suite and to the inviolability of the ambassador's residence. There is, in addition, an account of the *franchise du quartier*—the notorious abuse of extritoriality by ambassadors during the early period.

The volume issued by the Royal Institute of International Affairs as the *Survey of International Affairs, 1927*, by Arnold J. Toynbee, is more general in scope than other recent volumes of the Institute. After a discussion of world security and disarmament, 1922 to 1927, there are set forth the European situation, 1925 to 1927, the movements in Chinese politics to December, 1927, and affairs on the American continent, except in the United States. All of this is done in about 525 pages, and the work of presenting clearly the kaleidoscopic political changes is well done, particularly for China and Mexico. The influence of Italy and the U.S.S.R. shows the growth of new factors in European relations. While surveys of this type must rest to a large degree upon current newspapers and journals, there are about twenty-five pages of treaties, thirty-five pages of chronology of events and treaties, a carefully prepared index, three maps illustrating Chinese affairs, and a map of the world on Mollweide's projection. Like the other *Surveys* since that of 1920-1923, this volume is from the Oxford University Press. The Institute has also issued a volume entitled *Documents on International Affairs, 1928* (pp. xiii-254), under the editorial supervision of J. W. Wheeler-Bennett. The text of the Kellogg Pact and various treaties, with reservations, interpretations, and comments, are presented in English. What is more serviceable, because often difficult or impossible to obtain, are many important speeches, notes, resolutions, communiqués, and similar documents, such as those relating to reparations and to conditions in Europe, America, Asia, and Africa.—G. G. W.

In a somewhat general characterization, the *Survey of American Foreign Relations, 1928*, by Charles P. Howland, might be said to have focused attention on the American factors of the survey. The *Survey of American Foreign Relations, 1929*, by the same author (Yale University Press, pp. 521), emphasizes the foreign factors, particularly

as evident in relations with the states of the Caribbean and of Central America. This part of the volume covers 330 of the 521 pages. The remaining pages of text are given to the World Court, the Pact of Paris, and immigration. The World Court and the Pact of Paris are chapters under Section II, "International Organization," though it requires liberal interpretation to put the Pact of Paris under the technical head of international organization. The index is excellent, and after five years a cumulative index would be very serviceable, even though there should be in each successive volume the table of contents of preceding volumes. The Council on Foreign Relations has in this volume for 1929 made another valuable contribution to the understanding of American policies and has maintained the standard of the volume of 1928.—G. G. W.

The United States of the World; a Comparison Between the League of Nations and the United States of America (Putnam's, pp. x, 284), by Oscar Newfang, first examines this country under the Articles of Confederation and compares our situation with the League of Nations in its present form. The author then points out how the improvement in governmental forms under the Constitution removed war causes within the nation and made for prosperity generally: ergo, the structure of the League must be strengthened if it is to be an efficacious agency. Mr. Newfang proposes that "we should send some of our elder statesmen to suggest that the federal form of organization, which proved workable for over a century in this country, and for a shorter period in many other countries of the world, should be applied to the United States of the World." While some of the comparisons in structure and organization between the League and the United States are interesting and pertinent, one cannot ignore the different context of the problem of coöperation within the two spheres. World politics have hardly advanced to the point where the internal mechanics of a super-state are a matter of immediate concern. Mr. Newfang's study is suggestive, although his comparisons seem overdrawn.

John F. Cady, in *Foreign Intervention in the Rio de la Plata, 1838-50* (University of Pennsylvania Press, pp. xiii, 296), presents a careful, well-documented study of the British-French struggle for position in the La Plata region in the time of the tyrant Rosas. Rosas still appears as cruel and irresponsible, but as a person of exceptional

shrewdness who keeps impotent both the Argentine factions and the representatives of the intervening powers. His defense of "the American policy" is in strong contrast to the inaction of the United States. The allies in the intervention stand in no favorable light, but the British come off better than the French. The government at home, the diplomatic representatives, the naval authorities—all fall into disagreements which make any consistent program impossible. British aims were commercial, but French ambitions looked toward a political, if not a territorial stake, in the New World. A French colony at Montevideo would have been very acceptable. Its prevention was due to British—not to American—action. The Department of State was silent until the result was at hand, and the chief contribution of its representatives was bombast.—C. L. J.

America and England? (Jonathan Cape and Harrison Smith, pp. x, 254), by Nicholas Roosevelt, offers a readable but superficial appraisal of the relative positions of the United States and the British Empire in the world today. In Great Britain today the author finds indications of "a mortal disease of the soul . . . a combination of sloth, resistance to change, blindness, defeatism, and excessive temporizing which suggests a sick or an exhausted civilization." No American secretary of state since 1914, in Mr. Roosevelt's opinion, "has had a knowledge and an understanding of international politics." The reader's acceptance of these and other sweeping generalizations will not be promoted by the author's locating Cape Finisterre in France (p. 141), nor by his assertion that "Great Britain managed to avoid armed intervention in Europe between the Napoleonic wars and 1914" (p. 221).—J. P. B.

Lieutenant Louis Guichard, a French naval officer attached to the Historical Section of the French Ministry of the Marine, has made a notable contribution to the history of the World War in his monograph, *The Naval Blockade, 1914-1918*, which has been translated and edited by Christopher R. Turner (D. Appleton & Co., pp. xviii, 321). In Part I, "The Conduct of the Economic Naval War," the author throws fresh light on the divergent views of France and Great Britain as to the treatment of neutrals, utilizing a considerable body of new material drawn from the French naval archives. Parts II and III trace the effects of the restrictive measures on both the neutrals and

Germany. The author emphasizes the drastic treatment of the neutrals by the United States after its entry into the war, and the strengthening of the economic pressure on Germany, thanks to American control of essential raw materials. With both the legal and economic problems raised by the new methods of warfare Lieutenant Guichard has dealt with a sure hand and with notable detachment, paying a warm tribute to the bravery with which the German people bore the rigors of the protracted economic siege.—J. P. B.

Air law has developed rapidly. In Professor Carl Zollmann's *Cases on Air Law* (West Publishing Co., pp. xii, 540), nearly all the cases are of dates subsequent to 1900 except a few referring to balloons, and a large per cent of the cases were decided since 1925. The cases relate both to aviation and radio, and to administrative rulings as well as court decisions. The range of topics is wide. Trespass, insurance, liens, torts, contracts, unfair practices, and many other topics find illustration. Many of the cases necessarily show that air law is still in an early stage, and the rulings and decisions are in a measure tentative. Appendices contain the Air Commerce Act of 1926, Uniform State Law of Aëronautics, and the Radio Act of 1927. There is a list of cases and an index.

Advance plans for the Kyoto Conference of the Institute of Pacific Relations included the preparation of a number of books dealing with problems of the Pacific, Manchuria, and other subjects appearing on the agenda of the meeting. It fell to the competent hands of Professor George H. Blakeslee, of Clark University, to draw up for the American delegation a general review of Pacific and Far Eastern affairs; and the result was *The Pacific Area; an International Survey* (World Peace Foundation, pp. 224). Six crisp chapters are devoted to a résumé of the historical development and existing status of China's unequal treaties (considered generally), China's relations with individual powers, Manchuria, Japan's foreign relations, the British dominions in or bordering the Pacific, and agreements for preserving peace in the Pacific. The material is necessarily factual rather than interpretative; and by way of further equipment for the student of Far Eastern matters, an appendix of upwards of a hundred pages presents the essential documents.

- *The League of Nations*, by H. Wilson Harris (pp. 127), is a title in a "New Library" of inexpensive books inaugurated by Jonathan Cape and Harrison Smith. The little volume sets forth in very brief but accurate and attractive form the essential facts concerning the League: its beginnings and aims, its working mechanism, its technical tasks and humanitarian work. Mandates, armament, and the preservation of peace are discussed, and the book concludes with an estimate of this agency for international coöperation. The primary facts and acts of the League may be thus absorbed as easily as a sugar-coated pill. A book for the tired freshman!

Another of Mr. J. W. Wheeler-Bennett's convenient volumes is always welcome. The present one, *Information on the World Court, 1918-1928* (London, Allen & Unwin, pp. 208), is issued with Maurice Fanshawe as joint author and is introduced by Sir Cecil Hurst. In addition to introductory chapters on the evolution of the Statute of the Court, the election of judges (brought down to date), and the judgments and advisory opinions (with a brief outline of each), there is a verbatim comparison of the draft of the Committee of Jurists and the Statute adopted by the First Assembly. There is a useful brief chapter on the United States and the Court which brings the account through the Protocol of March, 1929; also a large number of documents which will prove helpful to anyone desiring first-hand material on the history and organization of the Court.

Rudolf Pahl's *Das völkerrechtliche Kolonial-Mandat* (Otto Stolberg Verlag, Berlin, pp. 223), is introduced by a description of the development and final formulation of the plan for mandates. From the point of view of international law, Dr. Pahl proceeds to discuss the system as to its general basis, the question of sovereignty over and the legal nature and essence of the mandate, changes in and end of the mandatory relationship, the relation of the League of Nations to the mandates, their legal position, the question of citizenship of the natives of mandates, and related topics. The book is a careful, though relatively brief, legal study of the subject, with good references in the footnotes and a helpful bibliography. English quotations, unfortunately, are marred by rather numerous misprints.—J. B. M.

The Position of Foreign States before French Courts (Macmillan, pp. xii, 42), by Eleanor W. Allen, shows that French jurisprudence

admits the principle of state immunity generally, and that despite some criticism of the doctrine, this position is in accord with accepted principles. Claims for military requisitions and torts by British and American forces in France were by convention referred to the local courts and defended by the French government, the allied governments agreeing to satisfy judgments so rendered.

The United States and the Caribbean (University of Chicago Press, pp. xi, 230), the second of a series of small volumes on American foreign policies published by the Chicago Council on Foreign Relations, contains three scholarly and suggestive essays by Chester Lloyd Jones, Henry Kittredge Norton, and Parker Thomas Moon, with a brief bibliography.

POLITICAL THEORY AND MISCELLANEOUS

Henry Holt and Company have published a posthumous volume by J. Allen Smith, late professor of government at the University of Washington, under the title of *The Growth and Decadence of Constitutional Government* (pp. xvii, 300). "If popular government is to free the world, it must exercise such self-restraint as may be required to keep it from encroaching on the rights of individuals. This, however, cannot be ensured by formally proclaiming these rights in a written constitution. Such self-imposed checks are wholly ineffective unless they are supported by a public opinion so clearly defined and so active that no government could afford to antagonize it." But the people have been content with the belief that "the government, even though it might wish to disregard the constitution, is powerless to do so." Public officials, shielded by this fiction, have been able to exercise a freedom incompatible with true constitutional government. Centralization of administration, the concept of the sovereign state, and the supremacy of the federal government have rendered popular control ineffective, even in the exercise of functions which democratic theory clearly assigns. Accordingly, what the world needs is "a new type of political philosophy—one which will combine the basic ideas of democracy with adequate provision for progress, political, economic, and social." A change in attitude, rather than a reform in institutions, is important. The author's treatment of the causes and growth of constitutional government recalls his earlier volume on *The Spirit of the American Government*. The trend that scholarship has fol-

- lowed since that influential book appeared has rendered the present study somewhat superogatory. The late Professor Smith held to a progressive viewpoint and in this posthumous work stands as the advocate of the people against the interests and of popular sovereignty against governmental supremacy.—E. P. H.

The Essentials of Democracy, by A. D. Lindsay (University of Pennsylvania Press, pp. 82), contains five lectures delivered by the Master of Balliol at Swarthmore College. To the American reader it will seem that the author devotes too much attention to the demolition of men of straw. Democracy may be understood in modern Europe as a process of government which implies the consent of the governed to the specific acts of those who are charged with the conduct of public affairs. But this has never been a widespread opinion in America. Our Declaration of Independence stipulates that governments should derive their just powers from the consent of the governed, but this doctrine of consent does not require that each act of governmental power shall be contingent upon the consent of the governed. The American reader will find a more serviceable analysis of the problem of democracy in America in Professor Edward M. Sait's Pomona lectures, recently published under the title *Democracy*. Dr. Lindsay has nevertheless rendered American scholarship a solid service by his discriminating treatment of the essentials of democracy. The importance of appropriate procedure for government by discussion, and of active participation by all citizens in the process of discussion, is duly emphasized in pages marked by exceptional lucidity of thought and elegance of diction. These lectures should help to stimulate the systematic study of governmental structures and processes with a view to the better adaptation of democratic institutions to the changing circumstances of the "Great Society."—A. N. H.

Henry Holt and Company have added to the Home University Library a volume by F. Melian Stawell, entitled *The Growth of International Thought* (pp. 248). The author glances back through history and examines the succession of thinkers who have looked beyond the bounds of their community and considered coöperative relations with their neighbors. Clearly it would be straining the present meaning of the word "internationalism" to go back to the Amphictionic League of the ancient Greeks or the imperial unity of Rome in a search for

this concept. One might also question whether the current "world-mindedness" can be taken as the outcome of a continuous growth of an idea through the ages rather than as the result of modern economic interdependence. With such mental reservations as a preliminary, however, the reader will find in Mr. Stawell's essay a very engaging discussion of the hopes of empire, the aspirations of universal amity, and the plans of extra-nationalistic organization that caused some thinkers in all ages to take a broader view of the *milieu* and *mores* that hedged them about. The author is actuated by the conviction that "a sane nationalism, when it understands itself, points the way to internationalism as its completion. The principle that builds the single state cannot end with the single state." It is his belief that "this has been felt, sometimes clearly, more often dimly, by all the best thinkers of Europe." Dante, Marsiglio, More, Erasmus, Sully, Grotius, Penn, Rousseau, Burke, Kant, Goethe, and Napoleon are among the figures discussed. The aspects of their thought or actions bearing upon his topic the author has written up into a synthesis that places this book among the better volumes of the very satisfactory series to which it belongs.—E. P. H.

History of the Illinois State Federation of Labor (University of Chicago Press, pp. x, 580), by Eugene Staley, "aims to reveal the purposes, the problems, the methods, and something of the accomplishments of the state federation of labor as we find it in the American labor movement of today. It does so by tracing in detail the development of the Illinois State Federation of Labor, admittedly a leader in its field." The legislative work of the Federation is given particular attention. It is significant to note that as the Federation became "an influential and self-respecting organization" its interest in labor legislation increased and realization of a definite purpose was paralleled by the formulation of a program of desired laws. The author says of the Federation: "It has mainly sought to promote the legislative interests of labor in the state of Illinois, and from the convict-labor amendment of 1886 to the wage guarantee law of 1927 its efforts have undeniably been a potent factor in shaping the labor code of the commonwealth. Mr. Staley has presented a thorough and careful study of an important social and political agency. His book makes for a much clearer understanding of the process of labor legislation.

Edward Eyre Hunt, editor of the report on *Recent Economic Changes in the United States*, has written a summary of the conclusions set forth in that voluminous survey. The limitations inherent in such a condensation are obvious. The bare statement of fact separated from the sustaining evidence and statistics is hardly an adequate treatment even for one who runs and reads, though it undoubtedly serves to indicate the general nature of the report proper. As an adjunct or a preliminary to the main work, the *Audit of America* (McGraw-Hill, pp. xxii, 203) is justified. Granting the deficiencies of abbreviations, Mr Hunt's summary is a good one.

In *Studies in the History of American Law* (Columbia University Press, pp. 285), Professor Richard B. Morris has first synthesized and interpreted the main characteristics of the development of law in this country in the seventeenth and eighteenth centuries (in a chapter of 68 pages), and afterwards dealt in greater detail with three legal subjects which seem to have given rise to the largest amount of litigation in the centuries mentioned, namely, the distribution and alienation of land, married women's rights, and tortious acts. The latter studies break ground in the direction of a larger piece of research which greatly needs to be undertaken, dealing with the general matter of the transformation of the English common law in its new environment in the American colonies, and it is gratifying to know that Professor Morris contemplates further studies in this field.

In *The Method of Studying Law; a Critique* (G. A. Jennings Co., pp. 108), Professor Jacob H. Landman, of the College of the City of New York, argues that the case method, while useful in its day, has become "an anachronism" and should be displaced by the "problem method," which he explains and illustrates in an interesting chapter. The book is critical, constructive, and provocative.

On invitation of the presiding judge of the Municipal Court of Philadelphia, the Philadelphia Bureau of Municipal Research undertook in 1925 a full survey of the history and work of the court, and the first instalment of the findings has now been issued under the title *History and Functions of the Municipal Court of Philadelphia* (Thomas Skelton Harrison Foundation, pp. 102). The present publication is mainly of a narrative and descriptive character, criticism being deferred to later instalments.

RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

CLARENCE A. BERDAHL
University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books

- Addams, Jane.* The second twenty years at Hull house. N. Y.: Macmillan.
- Bird, Frederick L., and Ryan, Frances M.* Public ownership on trial. Pp. 200. N. Y.: New Republic.
- Bird, Frederick L., and Ryan, Frances M.* The recall of public officers: a study of the operation of the recall in California. Pp. 411. N. Y.: Macmillan.
- Cain, James M.* Our government. N. Y.: Knopf.
- Channing, Edward.* A history of the United States. Vol. VII. From Apomattox to Santiago. N. Y.: Macmillan.
- Childs, Harwood Lawrence.* Labor and capital in national politics. Pp. xiv+286. Columbus: Ohio State Univ. Press.
- Clark, Henry W.* History of Alaska. N. Y.: Macmillan.
- Coleman, McAlister.* Eugene V. Debs. N. Y.: Greenberg.
- Cook, Arthur E., and Hagerty, John J.* The immigration laws of the United States. Chicago: Callaghan & Co.
- Crowther, Samuel.* Prohibition and prosperity. N. Y.: John Day Co.
- Davis, Joseph S.* The farm export debenture plan. Pp. 284. Stanford Univ.: Food Research Inst.
- Dorau, Herbert B.* Materials for the study of public utility economics. (Social Science Textbook Series, edited by R. T. Ely.) N. Y.: Macmillan.
- Duncan, Walter Wofford T.* The preacher and politics: a study in ministerial relation to public life. Pp. 151. N. Y.: Abingdon.
- Easum, Chester Verne.* The Americanization of Carl Schurz. Pp. 374. Chicago: Univ. of Chicago Press.
- Ellingwood, Albert R., and Coombs, Whitney.* The government and railroad transportation. Pp. 660. Boston: Ginn.
- Erdman, Charles R., Jr.* The New Jersey constitution of 1776. Pp. viii+166. Princeton: Princeton Univ. Press.
- Farrand, Max,* ed. Laws and liberties of Massachusetts. Cambridge: Harvard Univ. Press.
- Fleming, Denna Frank.* The treaty veto in the senate. Pp. 325. N. Y.: Putnam's.
- Frankfurter, Felix, and Greene, Nathan.* The labor injunction. Pp. 343. N. Y.: Macmillan.
- Gachon, Jean.* Wer macht die auswärtige Politik der Vereinigten Staaten? Pp. 146. Heidelberg: N. Kampmann.
- Gamio, Manuel.* Mexican immigration. Chicago: Univ. of Chicago Press.

- Hervey, John G.*, ed. The anti-trust laws of the United States. Pp. iv+236. Ann. Am. Acad. Jan., 1930.
- Hughes, Rupert.* George Washington. Vol. III. The savior of the states, 1777-1781. N. Y.: William Morrow.
- Keezer, Dexter M.*, and *May, Stacy.* The public control of business. Pp. 278. N. Y.: Harper's.
- Lindberg, John S.* The background of Swedish emigration to the United States. Minneapolis: Univ. of Minn. Press.
- Means, Gaston B.*, and *Thacker, May Dixon.* The strange death of President Harding. Pp. 312. N. Y.: Guild Pub. Corp.
- Morrison, Henry C.* School revenue. Chicago: Univ. of Chicago Press.
- Munro, William Bennett.* The constitution—with a concise commentary. N. Y.: Macmillan.
- Munro, William Bennett.* The makers of the unwritten constitution. Pp. 156. N. Y.: Macmillan.
- National Industrial Conference Board.* Public regulation of competitive practices. Pp. xi+320. N. Y.: Nat. Ind. Conf. Board.
- National Industrial Conference Board.* State income taxes. 2 vols. Pp. xiii+121; xiv+214. N. Y.: Nat. Ind. Conf. Board.
- Norton, Clarence Clifford.* The democratic party in North Carolina. Chapel Hill: Univ. of N. C. Press.
- Palmer, John McAuley.* Washington, Lincoln, Wilson: three war statesmen. Pp. 431. Garden City: Doubleday, Doran.
- Reeder, Ward G.* The fundamentals of public school administration. N. Y.: Macmillan.
- Rogoff, Harry.* An east side epic: the life and work of Meyer London. N. Y.: Vanguard Press.
- Slosson, Preston W.* These recent years: a history of America since 1914. N. Y.: Macmillan.
- Smith, Rembert G.* Politics in a protestant church. Washington (Ga.): Rev. Rembert G. Smith.
- Stephenson, Nathaniel Wright.* Aldrich: an inner leader of American politics. N. Y.: Scribner's.
- Stull, Harry N.* Digest of the United States court of claims. Chicago: Callaghan & Co.
- Swift, F. H.*, and *Zimmerman, B. L.* State school taxes and school funds and their apportionment. (Bureau of Education Bulletin.) Pp. 439. Washington: Govt. Printing Office.
- Van Hise, Charles R.* The conservation of natural resources in the United States. (Rev. ed., by Loomis Havemeyer.) N. Y.: Macmillan.
- Warren, Robert Penn.* John Brown. N. Y.: Brewer & Warren.
- Watkins, Gordon S.* Labor problems. (Rev. ed.) N. Y.: Crowell.
- Wister, Owen.* My friendship with Roosevelt. N. Y.: Macmillan.
- Worcester, Dean C.* The Philippines, past and present. (New ed., revised and enlarged by J. R. Hayden.) N. Y.: Macmillan.
- Yakel, Ralph.* The legal control of the administration of public school expenditures. (Contributions to Education, no. 388.) Pp. 174. N. Y.: Teachers College, Columbia Univ.

Articles

Agricultural Relief. Farm relief or bank relief? *Ernest Hopkins*. New Repub. Dec. 25, 1929.

———. The farm board in action. *James E. Boyle*. Rev. of Revs. Jan., 1930.

———. The United States federal farm board. *Standard Statistics Company*. Econ. Jour. Mar., 1930.

———. Our unrelieved farmers. I. A challenge to the federal farm board. *Jesse E. Pope*. II. A dirt farmer speaks his mind. *William Gordon Stuart*. Atlan. M. Mar., 1930.

Aliens. Legal disabilities of aliens in the United States. *Max J. Kohler*. Am. Bar Assoc. Jour. Feb., 1930.

Amendment. Abolishing the senate by amendment. *Blewett Lee*. Va. Law Rev. Feb., 1930.

———. The federal amending power: genesis and justiciability. *Lester B. Orfield*. Minn. Law Rev. Mar., 1930.

———. The scope of the federal amending power. *Lester B. Orfield*. Mich. Law Rev. Mar. 1930.

Anti-Trust Legislation. Anti-trust legislation. *Wheeler P. Bloodgood*. Com. Law League Jour. Jan., 1930.

Attorney General. Attorney General Mitchell and a difficult job. *Theodore G. Joslin*. World's Work. Feb., 1930.

Ballot. Evolution of the ballot in Illinois. *Edmund K. Jarecki*. Ill. Mun. Rev. Mar., 1930.

Bank Deposits. Preferential rights to public funds deposited in an insolvent bank. *Carl L. Meier*. Cincinnati Law Rev. Jan., 1930.

Boulder Dam. Profiteering states. *Editor*. New Repub. Feb. 5, 1930.

———. Secretary Wilbur and Boulder dam. *Ruth Finney*. Nation. Feb. 19, 1930.

———. Colorado river development and related problems. Edited by *C. A. Dykstra*. Ann. Am. Acad. Mar., 1930 (Supp.).

Budget. The New York executive budget. *William D. Guthrie*. Am. Bar Assoc. Jour. Feb., 1930.

———. New York court sustains the executive budget. *Rinehart J. Swenson*. Nat. Mun. Rev. Feb., 1930.

Business Regulation. Mobilizing deflation. *John T. Flynn*. Forum. Feb., 1930.

———. Little people vs. big fellows. *Jonathan Mitchell*. Outlook. Mar. 12, 1930.

Censorship. The shadow of censorship. I. The theory. *William Allan Neilson*. II. The practice. *Edward Weeks*. Atlan. M. Jan., 1930.

———. Massachusetts and censorship. *S. S. Grant* and *S. E. Angoff*. Boston Univ. Law Rev. Jan., 1930.

———. My brother's peeper. *Gardner Jackson*. Nation. Jan. 15, 1930.

———. Censorship of foreign books. *George Haven Putnam*, *Leon Whipple*, and *Others*. Cong. Digest. Feb., 1930.

Church and State. Reading bible in public schools. *T. V. K.* Mich. Law Rev. Feb., 1930

Civil Service. Recent personnel legislation. *Fred Telford*. *Am. Pol. Sci. Rev.* Feb., 1930.

Coast Guard. For the coast guard. *Willard Cooper*. *Outlook*. Jan. 29, 1930.

Communism. The red menace comes to Baltimore. *Gerald W. Johnson*. *New Repub.* Mar. 26, 1930.

Congress. Whom does congress represent? *Charles A. Beard*. *Harper's*. Jan., 1930.

———. First session of the seventy-first congress. *Arthur W. Macmahon*. *Am. Pol. Sci. Rev.* Feb., 1930.

———. This congress and that. *Samuel G. Blythe*. *Sat. Eve. Post*. Feb. 22, 1930.

Constitutional Law. Constitutional law in 1928-29. *Robert E. Cushman*. *Am. Pol. Sci. Rev.* Feb., 1930.

Contempt of Court. Contempt: limits on discretionary power to punish criticism and abuse outside the courtroom. *Louis H. Heilbron*. *Calif. Law Rev.* Jan., 1930.

Coolidge. The genius of the average: Calvin Coolidge. *Gamaliel Bradford*. *Atlan. M.* Jan., 1930.

Court-Martial. The procedure of army courts-martial under the 1920 revision of the articles of war. *William Catron Rigby*. *Com. Law League Jour.* Mar., 1930.

Delegation of Power. The delegation of discretion in Massachusetts licensing statutes. *Legislation Editor*. *Harvard Law Rev.* Dec., 1929.

———. Delegation to judicial bodies of power to supervise the organization of public corporations. *Case and Comment Editor*. *Yale Law Jour.* Jan., 1930.

Democracy. A democracy that might work. *Richard S. Childs*. *Century*. Winter, 1930.

District of Columbia. Federal jurisdiction raised by reason of incorporation in the district of Columbia. *C. M. F.* *South. Calif. Law Rev.* Dec., 1929.

Due Process. The consideration of facts in "due process" cases. *Note Editor*. *Columbia Law Rev.* Mar., 1930.

Federal Relations. Sovereign rights and relations in the control and use of American waters. *Ernest C. Carman*. *South Calif. Law Rev.* Dec., 1929.

———. The fourth and fifth amendments and the visitatorial power of congress over state corporations. *Note Editor*. *Columbia Law Rev.* Jan., 1930.

———. The twilight of the states. *Edward A. Harriman*. *Am. Bar Assoc. Jour.* Feb., 1930.

Federal Reserve System. Federal reserve position and policies. *A. C. Whitaker*. Some observations on recent federal reserve policy. *F. Schneider*. *Am. Econ. Rev.* Mar., 1930 (Supp.).

Federal Trade Commission. Public interest as a jurisdictional requirement under section 5 of the federal trade commission act. *Note Editor*. *Harvard Law Rev.* Dec., 1929.

Full Faith and Credit. Jurisdiction to pronounce null a marriage celebrated in another state or foreign country. *Orrin Kip McMurray* and *S. W. Cunningham, II*. *Calif. Law Rev.* Jan., 1930.

Governmental Responsibility. Governmental responsibility for injuries due to defective highways. *Case and Comment Editor*. *Yale Law Jour.* Feb., 1930.

- Hoover. Hoover's first year. *Theodore G. Joslin*. *World's Work*. Mar., 1930.
- . The first Hoover year. *Garet Garrett*. *Sat. Eve. Post*. Mar. 1, 1930.
- . Hoover's first year. *Editor*. *New Repub.* Mar. 5, 1930.
- Immigration. Economic reasons for the coming of the Mexican immigrant. *Max Sylvius Handman*. *Am. Jour. Sociol.* Jan., 1930.
- . The menace of Mexican immigration. *Remsen Crawford*. *Current Hist.* Feb., 1930.
- . Is the present American immigration policy sound? *J. J. Spengler*. *Scientific Monthly*. Mar., 1930.
- Indian Problem. The Indian problem and the law. *Ray A. Brown*. *Yale Law Jour.* Jan., 1930.
- Injunction. The use of the federal injunction in constitutional litigation. *John E. Lockwood*, *Carlyle E. Maw*, and *Samuel L. Rosenberry*. *Harvard Law Rev.* Jan., 1930.
- . Labor's resort to injunctions. *Edwin E. Witte*. *Yale Law Jour.* Jan., 1930.
- . Social consequences of injunctions in labor disputes. *Edwin E. Witte*. *Ill. Law Rev.* Mar., 1930.
- . The use of the labor injunction in the New York needle trades. II. *P. F. Brissenden* and *C. O. Swayzee*. *Pol. Sci. Quar.* Mar., 1930.
- Insurance Regulation. Massachusetts' great insurance war. *James H. Powers*. *New Repub.* Jan. 8, 1930.
- Interstate Commerce. Organized labor and restraints on interstate commerce. *Note Editor*. *Harvard Law Rev.* Jan., 1930.
- Judicial Council. Judicial conference meets at Washington. *Wm. H. Taft*. *Am. Bar Assoc. Jour.* Jan., 1930.
- Judicial Review. The effect of declaring a statute unconstitutional. *Note Editor*. *Columbia Law Rev.* Dec., 1929.
- . The dear old constitution. *Charles A. Beard*. *Harper's*. Feb., 1930.
- Judiciary. Federal and state court interference. *Charles Warren*. *Harvard Law Rev.* Jan., 1930.
- . Seven implications of *Swift v. Tyson*. *Armistead M. Dobie*. The federal judiciary. *John Marshall*. Federal process and state legislation (*to be concluded*). *Charles Warren*. *Va. Law Rev.* Jan., Feb., Mar., 1930.
- . Federal judges—appointment, supervision, and removal—some possibilities under the constitution. *Burke Shartel*. *Mich. Law Rev.* Mar., 1930.
- Jury. The first judicial reform. *Samuel R. Stern*. *Ore. Law Rev.* Dec., 1929.
- . Selecting a petit jury. *C. W. Buttz*. *Dakota Law Rev.* Dec., 1929.
- . Functions of judge and jury in the determination of preliminary questions of fact. *Edmund M. Morgan*. *Harvard Law Rev.* Dec., 1929.
- . What a jury is. *Thomas James Norton*. *Va. Law Rev.* Jan., 1930.
- . Waiver of trial by jury in criminal cases. *William A. Smith*. *Cincinnati Law Rev.* Jan., 1930.
- . The attack on the jury. *S. Chesterfield Oppenheim*. *New Repub.* Jan. 15, 1930.
- . The jury: reformation, not abolition. *Robert N. Wilkin*. *Jour. Am. Judicature Soc.* Feb., 1930.

- . Methods of jury selection. *J. A. C. Grant*. *Am. Pol. Sci. Rev.* Feb., 1930.
- . Jury selection in Kentucky. *Leer Buckley*. *Ky. Law Jour.* Mar., 1930.
- . Sentimental juries. *Imogen B. Oakley*. *N. Am. Rev.* Mar., 1930.
- Labor. La fédération américaine du travail. *J. Bertelot*. *Correspondant*. Feb. 25, 1930.
- . Labor and the courts. *Francis Bowes Sayre*. *Yale Law Jour.* Mar., 1930.
- Land Policy. The national land system in the south: 1803-1812. *R. S. Cotterill*. *Miss. Valley Hist. Rev.* Mar., 1930.
- Legal Tender Cases. The legal tender cases—a drama of American legal and financial history. *Joseph M. Cormack*. *Va. Law Rev.* Dec., 1929.
- Legislation. The form of amendatory statutes. *Legislation Editor*. *Harvard Law Rev.* Jan., 1930.
- . Legislation of the fifty-sixth general assembly. *William E. Britton*. *Ill. Law Rev.* Jan., 1930.
- . The torrent of laws. *Richard Washburn Child*. *Sat. Eve. Post*. Jan. 25, 1930.
- . Wisconsin legislation of 1929. *John B. Sanborn*. *Wis. Law Rev.* Feb., 1930.
- . The Massachusetts book of laws of 1648. *W. T. Root*. *Ia. Law Rev.* Feb., 1930.
- . The twilight of legislatures. *Hoffman Nickerson*. *Am. Mercury*. Feb., 1930.
- Liberty. Liberty. *Robert C. Brown*. *Ky. Law Jour.* Mar., 1930.
- Lobby. Why we need lobbies. *E. P. Herring*. *Outlook*. Nov. 27, 1929.
- . Congress and the lobby problem. *Edward B. Logan, Margaret W. Stewart, and Others*. *Cong. Digest*. Dec., 1929.
- . Lobbyists extraordinary. *Oliver McKee, Jr.*. *N. Am. Rev.* Jan., 1930.
- . Lobbies and American legislation. *Peter H. Odegard*. *Current Hist.* Jan., 1930.
- . Raising cane in Washington. *Arthur Warner*. *Nation*. Jan. 8, 1930.
- . Religious lobbying. I. The new theocracy. *Edward Campbell Aswell*. II. Protestant meddling in foreign affairs. *F. de Mieux*. III. The catholic board of private morals. *Alfred Dashiell*. *Forum*. Mar., 1930.
- . That man Grundy. *William Pickett Helm*. *World's Work*. Mar., 1930.
- Military Training. Compulsory military training. *Wm. H. Haight and Sveinbjorn Johnson*. *Ill. Law Rev.* Feb., 1930.
- Minimum Wage. Some aspects of the minimum wage law. *Philip R. Bangs*. *Dakota Law Rev.* Dec., 1929.
- Mothers' Pensions. The evolution of the institution of mothers' pensions in the United States. *Ada J. Davis*. *Am. Jour. Sociol.* Jan., 1930.
- Motor Carriers. Factors in granting motor carrier certificates of public convenience and necessity. *John J. George*. *Ind. Law Jour.* Jan., 1930.

———. Motor carriers and the supreme court. *John J. George*. Commercial Law League Jour. Feb., 1930.

Naturalization. Naturalization—effect of woman applicant's expression of unwillingness to personally bear arms. *W. E. M.* Va. Law Rev. Dec., 1929.

———. An American in the making. *Gleb Botkin*. N. Am. Rev. Jan., 1930.

Negro Problem. The participation of negroes in the government of Virginia from 1877 to 1888. *James Hugo Johnston*. Jour. Negro Hist. July, 1929.

———. The negro is coming to town. *Charles E. Hall*. N. Am. Rev. Jan., 1930.

———. A negro looks ahead. *George S. Schuyler*. Am. Mercury. Feb., 1930.

Old Age Pensions. The challenge of the aged. *Hamilton Fish, Jr.* N. Am. Rev. Jan., 1930.

———. Pensions, charity, and old age. *Walter S. Gifford*. Atlan. M. Feb., 1930.

———. Pensions for superannuated employees. *H. L. Rietz*. Scientific Monthly. Mar., 1930.

Philippines. Thirty years of American-Filipino relations, 1899-1929. *J. W. Wheeler-Bennett*. Jour. Inst. Int. Affairs. Sept., 1929.

———. National greed and the Philippines. *Carter Field*. Forum. Jan., 1930.

———. Our failure in the Philippines. *Henry Cabot Lodge*. Harper's. Jan., 1930.

———. The Philippines. *Nicholas Roosevelt and Manuel Roxas*. For. Pol. Assoc. Pamphlet No. 64, Series 1929-30 (Mar., 1930).

Pocket Veto. Validity of pocket veto. *Harold Cohen*. Boston Univ. Law Rev. Jan., 1930.

———. Pocket veto—adjournment. *Leland B. Shaw*. Ore. Law Rev. Feb., 1930.

Police Power. The twilight zone between the police power and the commerce clause. *Kenneth F. Burgess*. The new Iowa statute on sterilization of defectives. *Statutes Editor*. Ia. Law Rev. Feb., 1930.

———. The power of the state to regulate rates charged by surety companies. *Earl C. Arnold*. Mich. Law Rev. Mar., 1930.

Politics. Government and opposition. *H. D. Hill*. Atlan. M. Jan., 1930.

———. A policy for progressives. *William Orton*. New Repub. Jan. 29, 1930.

———. Those sons of wild jackasses. *Ray T. Tucker*. N. Am. Rev. Feb., 1930.

———. If Ramsay MacDonald were an American. *Oswald Garrison Villard*. Harper's. Feb., 1930.

———. Tom Reed. *Benjamin DeCasseres*. The dictator. *James Oneal*. Am. Mercury. Feb., Mar., 1930.

———. Let's have another party. *George Creel*. World's Work. Mar., 1930.

———. A woman senator? *William Hard*. Rev. of Revs. Mar., 1930.

———. The background of a state "boss" system. *Lane W. Lancaster*. Am. Jour. Sociol. Mar., 1930.

Porto Rico. A Porto Rican view of American control. *Leopoldo Cuban*. Current Hist. Mar., 1930.

Post Office. Shrinking the postal deficit. *Alan C. Collins*. *World's Work*. Jan., 1930.

Power Commission. War in the power commission. *George Soule*. *New Repub.* Mar. 5, 1930.

President. Presidential declarations of independence. *Charles Warren*. *Boston Univ. Law Rev.* Jan., 1930.

———. Headless Washington. *Oswald Garrison Villard*. *Nation*. Mar. 5, 1930.

Primary. Statute authorizing political party to disqualify voters in primary election. *F. G. D.* Party primaries—power of the senate to regulate. *L. L. G.* *Va. Law Rev.* Dec., 1929; Feb., 1930.

———. Right of negroes to vote in state primaries. *Note Editor*. *Harvard Law Rev.* Jan., 1930.

———. Exclusion of negroes from primaries. *Morton Milman*. *Cornell Law Quar.* Feb., 1930.

Privacy. The right to privacy today. *Note Editor*. *Harvard Law Rev.* Dec., 1929.

Privileges and Immunities. Privileges and immunities: right of a state to decline to hear cases between non-residents when the cause of action arose outside the state. *John A. Garfinkel*. *Calif. Law Rev.* Jan., 1930.

Prohibition. A critique of the Carroll case. *Forrest R. Black*. *Columbia Law Rev.* Dec., 1929.

———. A prohibitionist faces facts. *Francis M. Cockrell*. *The happy grape growers*. *E. Clemens Horst*. *Outlook*. Jan. 22, Mar. 12, 1930.

———. Does the eighteenth amendment prohibit state manufacture and dispensation? *J. G. Hardgrove*. *Marquette Law Rev.* Feb., 1930.

———. What's the matter with prohibition? *Francis M. Cockrell*. *Scribner's*. Feb., 1930.

———. The supreme court plays at "This is the house that Jack built." *Forrest R. Black*. *Tenn. Law Rev.* Feb., 1930.

———. An ill-starred decision—*Lambert v. Yellowley*. *Forrest R. Black*. *Cornell Law Quar.* Feb., 1930.

———. Hurdles for the Hoover commission. *Howard Lee McBain*. *Am. Mercury*. Feb., 1930.

———. Nullification at home. *Editor*. *New Repub.* Feb. 12, 1930.

———. The problem of prohibition enforcement. *Albert Bushnell Hart*. *Current Hist.* Mar., 1930.

———. The searchlight on prohibition. *Frank H. Shaw*. *English Rev.* Mar., 1930.

———. The death toll of enforcement. *James W. Wadsworth, Jr.* *N. Am. Rev.* Mar., 1930.

Public Utilities. Public utility air rights. *Theodore Schmidt*. The certificate of convenience and necessity applied to air transportation. *Thomas H. Kennedy*. *Jour. Air Law*. Jan., 1930.

———. Overcharge and damage claims before the Ohio public utilities commission. *Irwin S. Rosenbaum*. *Cincinnati Law Rev.* Jan., 1930.

———. Certificates of convenience and necessity. *Ford P. Hall*. *Mich. Law Rev.* Jan., 1930.

- . The federal courts and state regulation of public utilities. *David E. Lilienthal*. Lord Hale and business affected with a public interest. *Breck P. McAllister*. *Harvard Law Rev.* Jan., Mar., 1930.
- . What price public utility speculation? The supreme court in the Baltimore fare cases. *John Bauer*. *Nat. Mun. Rev.* Jan., Mar., 1930.
- . News from the power front. Can the utilities be controlled? *Editor*. *New Repub.* Jan. 15, Mar. 19, 1930.
- . Public utilities legislation in 1929. *Orren C. Hormell*. *Am. Pol. Sci. Rev.* Feb., 1930.
- . Public service valuation: rate base: the O'Fallon case. *Donald W. Falconer*. *Cornell Law Quar.* Feb., 1930.
- . The real power problem. *Martin J. Insull*. *Forum*. Feb., 1930.
- . Control of investment *versus* control of return in the regulation of natural monopolies. *Bruce W. Knight*. *Quar. Jour. Econ.* Feb., 1930.
- . Reproduction cost and original prudent investment. *Note Editor*. *Ia. Law Rev.* Feb., 1930.
- . Power control breaks down. *Laurence Todd*. *Nation*. Mar. 12, 1930.
- Radio Control. Recent decisions under radio act of 1927. *Louis G. Caldwell*. *Am. Bar Assoc. Jour.* Jan., 1930.
- Railroad Problem. The interstate commerce commission and railroad consolidation. *Sidney P. Simpson*. *Harvard Law Rev.* Dec., 1929.
- . Consolidation of railroads. *James B. McDonough*. *Va. Law Rev.* Dec., 1929.
- . Railroad rates and revenues. *Samuel W. Moore*. *Va. Law Rev.* Jan., 1930.
- . Final railroad consolidation? *Editor*. *New Repub.* Jan. 1, 1930.
- . Why consolidate railroads? *Donald R. Richberg*. A railroad view of consolidation. *J. G. Lyne*. *Nation*. Jan. 8, 22, 1930.
- Reapportionment. Duty of legislature to reapportion—mandamus. *M. J. C.* *Ill. Law Rev.* Feb., 1930.
- Referendum. The repeal of the referendum in Colorado. *Legislation Editor*. *Harvard Law Rev.* Mar., 1930.
- Religious Freedom. Denial of equal rights to religious minorities and non-believers in the United States. *B. H. Hartogensis*. *Yale Law Jour.* Mar., 1930.
- Removal Power. "The bearing of *Myers v. United States* upon the independence of federal administrative tribunals"—a criticism. *Albert Langeluttig*. *Am. Pol. Sci. Rev.* Feb., 1930.
- Senate. In defense of the senate: the refuge of liberalism. *Harold Brayman*. *Outlook*. Jan. 15, 1930.
- . In the senate. III. IV. *George Wharton Pepper*. *Sat. Eve. Post*. Mar. 8, 15, 1930.
- Southwest. Social relations and political control in the old southwest. *Thomas Perkins Abernethy*. *Miss. Valley Hist. Rev.* Mar., 1930.
- State Administration. The public efficiency experts. *William H. Edwards*. *Southwestern Pol. and Soc. Sci. Quar.* Dec., 1929.
- State Constitutions. Revision of the Indiana constitution. *Hugh E. Willis*. Indiana should call a constitutional convention. *Albert Stump*. In re: proposed constitutional convention. *James W. Noel*. *Ind. Law Jour.* Feb., 1930.

———. The need for constitutional revision in Ohio. *Harvey Walker*. Greater Cleveland. Feb. 20, 1930.

State Department. The publication policy of the department of state. *Tyler Dennett*. For. Affairs. Jan., 1930.

———. Overhauling our diplomatic machinery. *William T. Stone*. Current Hist. Feb., 1930.

Supreme Court. Justice Brandeis and the constitution. *Joseph Percival Pollard*. Scribner's. Jan., 1930.

———. The supreme court under fire. *Editor*. New Repub. Feb. 26, 1930.

———. Mr. Justice Holmes. *Harold J. Laski*. Harper's. Mar., 1930.

Tariff. The tariff and reconstruction. *Howard K. Beale*. Am. Hist. Rev. Jan., 1930.

———. Les éléments du problème douanier américain. *Pierre Lyautey*. Rev. Pol. et Parl. Jan., 1930.

———. Self-interest and the tariff. *Jacob Viner*. Century. Winter, 1930.

———. The tariff, 1929-30. *F. W. Taussig*. Quar. Jour. Econ. Feb., 1930.

———. The tariff vote market. *Henry Raymond Mussey*. My dear senator. *Oswald Garrison Villard*. Nation. Mar. 19, 26, 1930.

Taxation. Verwaltungsreform und Steuerpolitik in der Vereinigten Staaten von Nordamerika. *Franz Berthold*. Zeitschrift für Kommunalwirtschaft. May 10, 25, 1929.

———. Judicial review of tax controversies in Nebraska. *Lawrence L. Durisch*. Neb. Law Bull. Nov., 1929.

———. Multiple inheritance taxation and reciprocal legislation. *W. Wade Boardman*. Wis. Law Rev. Dec., 1929.

———. The constitutionality of the transferee provisions of the revenue act. *Harold C. Havighurst*. State taxation of federal instrumentalities. *Note Editor*. Finality of determinations of the commissioner of internal revenue. II. *Roswell Magill*. Columbia Law Rev. Dec., 1929; Jan., Feb., 1930.

———. Excise taxes measured by income from federal instrumentalities. *Note Editor*. Reciprocal and retaliatory tax statutes. *Legislation Editor*. Proceeds of life insurance policies under the federal estate tax. *Reuben Oppenheimer*. Jurisdiction to tax intangibles. *Note Editor*. Harvard Law Rev. Dec., 1929; Feb., Mar., 1930.

———. Capital stock taxes and taxes on shares. *Case and Comment Editor*. Yale Law Jour. Jan., 1930.

———. Public purpose in taxation (to be concluded). *Breck P. McAllister*. Calif. Law Rev. Jan., 1930.

———. Gross receipts as a basis for corporate taxation. *H. N. Mich*. Law Rev. Jan., 1930.

———. Humbugging the taxpayer. *William Pickett Helm*. Outlook. Jan. 1, 1930.

———. The general property tax and the farmer. *Mabel Newcomer*. Jour. Pol. Econ. Feb., 1930.

———. The problem of tax collection. *M. J. Meeker*. Minn. Municipalities. Feb., 1930.

———. Inheritance taxation of transfers not taking place at death. *Harry W. Kroeger*. St. Louis Law Rev. Feb., 1930.

———. The Tennessee income tax law of 1929. *T. O. Trotter, Jr.* Tenn. Law Rev. Feb., 1930.

———. Some questions raised in the field of tax exemption. *Newman F. Baker.* Tex. Law Rev. Feb., 1930.

———. Catching the tax cheaters. *Boyden Sparks.* Sat. Eve. Post. Feb. 22, 1930.

———. Form and substance in tax cases. *Oscar W. Underwood, Jr.* Discount on corporate bonds under the federal income tax law. *George P. Bagby.* Va. Law Rev. Feb., Mar., 1930.

———. Why your taxes are high. *Edith Hamilton MacFadden.* Forum. Mar., 1930.

Treasury Department. Andrew W. Mellon, the dean of the cabinet. *Theodore G. Joslin.* World's Work. Jan., 1930.

Unemployment. Exploiting the unemployed. *Editor.* New Repub. Mar. 12, 1930.

Uniform Legislation. The need for uniform reciprocal criminal laws. *Edwin M. Abbott.* Jour. Crim. Law and Crim. Feb., 1930.

War Powers. War powers of the president of the United States with special reference to the beginning of hostilities. *Charles C. Tansill.* Pol. Sci. Quar. Mar., 1930.

Water Control. The Texas board of water engineers. III. Comparison of certain phases of water control in different states. *F. Joyce Cox.* Tex. Law Rev. Feb., 1930.

———. Sovereign rights and relations in the control and use of American waters. II. *Ernest C. Carman.* South. Calif. Law Rev. Feb., 1930.

———. The riparian doctrine in California. *C. E. Grunsky.* Calif. State Bar Jour. Feb., 1930.

———. Water power in New York state. *A. Blair Knapp.* Nat. Mun. Rev. Feb., 1930 (Supp.).

Women's Rights. The legal status of women in Wisconsin. *Claude D. Stout.* Marquette Law Rev. Feb., 1930.

FOREIGN AND COMPARATIVE GOVERNMENT

Books

Adam, George. The tiger, Georges Clemenceau, 1841—1929. Pp. 290. London: Cape.

Amulree, Lord. Industrial arbitration in Great Britain. Pp. x+233. Oxford: Univ. Press.

Andrews, C. F., ed. Mahatma Gandhi's ideas. N. Y.: Macmillan.

Anschütz, G., u. Thoma, R. Handbuch des deutschen Staatsrechts. Vols. 4-5. Pp. 145-240. Tübingen: Mohr.

Anstey, Vera. The economic development of India. Pp. xii+581. London: Longmans.

Baernreither, Joseph M. Fragments of a political diary. (Edited by Joseph Redlich.) N. Y.: Macmillan.

Barnes, D. G. A history of the English corn laws, 1660-1840. Pp. xvi+336. London: Routledge.

Berber, Friedrich. Die Rechtsbeziehungen der britischen Dominions zum Mutterland. Pp. 102. Ansbach: Brugel.

Berthélemy, H. Traité élémentaire de droit administratif. (12^e éd.) Pp. xxxi+1168. Paris: Rousseau.

Bevan, Edwyn. Thoughts on Indian discontents. Pp. 178. London: Allen & Unwin.

Bose, Pramatha Nath. Swaraj—cultural and political. Pp. 290. Calcutta: W. Newman & Co.

Carrothers, W. A. Emigration from the British isles, with special reference to the development of the overseas dominions. Pp. xii+328. London: King.

Chamberlin, William Henry. Soviet Russia. Boston: Little, Brown.

Clay, Henry. The post-war unemployment problem. Pp. 218. N. Y.: Macmillan.

Comstock, Alzada. Taxation in the modern state. Pp. vii+240. N. Y.: Longmans.

Delpech, J., et Laferrière, J. Les constitutions modernes. (Europe. Hongrie à Yougoslavie.) Pp. 912. Paris: Sirey.

Dent, Richard C. The life story of King George V. Pp. 330. N. Y.: Dutton.

Dikshitar, V. R. Ramachandra. Hindu administrative institutions. Pp. xxv+401. Madras: Univ. Press.

Dykes, D. A. Source book of constitutional history from 1660. Pp. 560. London: Longmans.

Evelpidi, C. Les états balkanique: étude comparée politique, sociale, économique et financière. Pp. 398. Paris: Rousseau.

Feiler, Arthur. Das Experiment des Bolschewismus. Pp. 270. Frankfurt: Societätsdruckerei.

Field, Harry H. After mother India. N. Y.: Harcourt, Brace.

Fyfe, Hamilton. The British liberal party. Pp. x+272. London: Allen & Unwin.

Glum, Friedrich. Der deutsche und der französische Reichswirtschaft. Pp. 188. Berlin: Walther de Gruyter.

Gmelin, Hans. Einführung in das Reichsverfassungsrecht. Pp. 152. Leipzig: Quelle & Meyer.

Godefroy, Eugène. Le royaume d'Italie. Son organisation nouvelle. Pp. 111. Paris: Sirey.

Haagen, Kurt. Die Rechtsnatur der parlamentarischen Geschäftsordnung. Berlin: Carl Heymanns Verlag.

Haider, Carmen. Capital and labor under fascism. Pp. 296. N. Y.: Columbia Univ. Press.

Haig, Robert Murray. The public finances of post-war France. Pp. xxviii+463. N. Y.: Columbia Univ. Press.

Harms, Bernhard, ed. Volk und Reich der Deutschen. 3 vols. Berlin: Hobbing.

Hayes, Carlton J. H. France: a nation of patriots. Pp. x+487. N. Y.: Columbia Univ. Press.

Hellmuth, G. Die Technik der politischen Wahlen. Berlin: Carl Heymanns Verlag.

Hindus, Maurice. Humanity uprooted. Pp. xix+369. London: Cape.

Holcombe, Arthur N. The Chinese revolution. Cambridge: Harvard Univ. Press.

Hull, William I. India's political crisis. (Johns Hopkins Univ. Studies.) Baltimore: Johns Hopkins Press.

Jane, Cecil. Liberty and despotism in South America. Pp. 190. N. Y.: Oxford Univ. Press.

Jèze, Gaston. Les principes généraux du droit administratif. (3^e éd.) Tome II. Pp. xlv+848. Paris: Giard.

Kelsen, Hans. La garantie juridictionnelle de la constitution. Paris: Giard.

Kilpin, Ralph. The romance of a colonial parliament. Pp. 190. N. Y.: Longmans.

Köhler, Ludwig v. Zur Geschichte der Revolution in Württemberg. Pp. 212. Stuttgart: W. Kohlhammer.

Krause, Hermann. Die geschichtliche Entwicklung des Schiedsgerichtswesens in Deutschland. Pp. viii+122. Berlin: Carl Heymanns Verlag.

Lammers, H., u. Simons, W. Die Rechtsprechung des Staatsgerichtshofs für das deutsche Reich und des Reichsgerichts. Bd. I, 1920-1928. Pp. 588. Berlin: Stölke.

Lo, R. Y. China's revolution from the inside. Pp. 307. N. Y.: Abingdon Press.

Madgearu, Virgil. Roumania's new economic policy. London: P. S. King.

Mallet, Sir Charles. Mr. Lloyd George. Pp. 313. London: Benn.

Minty, L. Le M. Constitutional laws of the British empire. London: Sweet & Maxwell.

Mirkine-Guetzévitch, B., et Tibal, André. La Tchécoslovaquie. Pp. 119. Paris: Delagrave.

Missiroli, Mario. Date e Cesare. La politica religiosa di Mussolini, con documenti inediti. Pp. 462. Roma: Libr. del Littorio.

Morris, William Alfred. The constitutional history of England to 1216. N. Y.: Macmillan.

Munro, William Bennett. American influences on Canadian government. Pp. xii+153. Toronto: Macmillan.

Niyogi, J. P. The evolution of the Indian income tax. Pp. 326. London: P. S. King.

O'Connor, Batt. With Michael Collins through the fight for Irish independence. London: Peter Davies.

Pemartin, José. Los valores históricos en la dictadura española. Pp. 656. Santander: Arte y Ciencia.

Pilsudski, Joseph. L'année 1920. Pp. 332. Paris: Renaissance du Livre.

Plaxton, Charles P., and Varcoe, Frederick P. A treatise on the dominion income tax law. (Second ed.) Toronto: Carswell Co.

Quekett, Sir Arthur S. The constitution of northern Ireland. Part I. The origin and development of the constitution. Belfast: H. M. Stationery Office.

Rothstein, Th. From chartism to labourism. Pp. vii+365. London: Martin Lawrence.

Roux, Georges. Divorce de l'Alsace? Pp. 116. Paris: La Nouvelle Revue Française.

Seipel, Ignatz. Der Kampf um die österreichische Verfassung. Pp. xii+384. Wien: Wilhelm Braumüller.

Sicgfried, André. France: a study in nationality. (Institute of Politics Publication.) Pp. vi+122. New Haven: Yale Univ. Press.

Strong, C. F. Modern political constitutions: an introduction to the comparative study of their history and existing forms. N. Y.: Putnam's.

Sunderland, J. T. India in bondage. N. Y.: Lewis Copeland Co.

Topf, Erich. Die Staatenbildungen in der arabischen Türkei seit dem Weltkrieg. Pp. x+260. Hamburg: Friedrichsen, de Gruyter & Co.

Trotsky, L. La défense de l'U. R. S. S. et l'opposition. Paris: Libr. du Travail.

Trotsky, Leon. My life: an attempt at an autobiography. N. Y.: Scribner's.

Turner, Edward Raymond. The cabinet council of England in the seventeenth and eighteenth centuries. Pp. 482. Baltimore: Johns Hopkins Press.

Viesti, Luigi. Stato e diritto fascista. Pp. 280. Perugia-Venezia: "La nuova Italia."

Vulliamy, C. E., ed. The red archives: Russian state papers, 1915-1918. (Translated by A. L. Hynes.) Pp. 320. London: Bles.

Wang King Ky. La voix de la Chine. Pp. 242. Bruxelles: Office de Publicité.

Wertheimer, Egon. Portrait of the labour party. Pp. xxi+213. London: Putnam's.

Weterstetten, Rudolph. Von Hindenburg. N. Y.: Macmillan.

Wilkinson, B. The chancery under Edward III. Manchester: Univ. Press.

Woodward, E. L. Three studies in European conservatism. Pp. viii+350. London: Constable.

Articles

Australia. Labour government in Queensland. *J. Ryan.* Labour Monthly. Apr., 1929.

———. Australia's treaty rights and obligations. *H. K. Bailey.* Jour. Comp. Legis. and Int. Law. Nov., 1929.

Austria. Compromise and the Austrian constitution. *Benedikt.* Contemp. Rev. Jan., 1930.

———. Austria: a retrospect and a forecast. *Robert Dunlop.* Quar. Rev. Jan., 1930.

———. The constitutional crisis in Austria. *Malbone W. Graham, Jr.* Am. Pol. Sci. Rev. Feb., 1930.

Belgium. Les élections du 26 mai. *Paul Tschoffen.* Rev. Belge. May 1, 1929.

———. La crise belge. *L. Dumont-Wilden.* Rev. Bleue. Dec. 7, 1929.

British Empire. Les colonies de la couronne britannique. I. *J. Oudiette.* Rev. Sci. Pol. Oct.-Dec., 1929.

———. Notes on imperial constitutional law. *Berriedale Keith.* Jour. Comp. Legis. and Int. Law. Nov., 1929.

———. Dominion status. *Sir John Marriott.* Nine. Cent. Jan., 1930.

———. Empire free trade. *Charles A. McCurdy.* Empire free trade? *Sir Herbert Samuel.* Contemp. Rev. Jan., 1930.

- . What of England? I. II. *Augur*. Fort. Rev. Jan., Feb., 1930.
- . Dominion status. I. II. *J. C. Anderson*. Excerpts from the imperial conferences 1923, 1926, and 1929. *John S. Ewart*. Canadian Bar Rev. Jan., Feb., 1930.
- . Empire free trade: Lord Beaverbrook's tariff scheme. *W. A. Hirst*. Liv. Age. Mar. 15, 1930.
- Bulgaria.** Le rétablissement des finances bulgares. *N. Momtchiloff*. Rev. Écon. Int. Aug., 1929.
- Canada.** Canada: law and custom in the Canadian constitution. Round Table. Dec., 1929.
- . Judicial appointments. *Justice Trueman*. Public utility rate control in Alberta. *H. R. Milner*. Canadian Bar Rev. Jan., Feb., 1930.
- . Canada's outlook. *Geoffrey F. Bell*. Nine. Cent. Feb., 1930.
- China.** The causes and cures of civil war in China. *Wen Ying Peng*. Current Hist. Jan., 1930.
- . Prospect in China. *Robert Machray*. Fort. Rev. Jan., 1930.
- . Madame Sun Yat-sen keeps faith. *Randall Gould*. Nation. Jan. 22, 1930.
- . Reconstruction in China. *T. A. Bisson*. For. Pol. Assoc. Inf. Service. Jan. 22, 1930.
- . Slave trading in China. *John H. Harris*. Contemp. Rev. Feb., 1930.
- Czechoslovakia.** Die Wahlen in der Tschechoslowakei. *Cl. M. Hofbauer*. Deutsche Arbeit. Nov., 1929.
- . La vie politique en Tchécoslovaquie. *H. R. Savary*. Rev. Pol. et Parl. Feb., 1930.
- . President Masaryk of Czechoslovakia. *Joseph S. Roucek*. Current Hist. Mar., 1930.
- Denmark.** Statens finansielle kontrol. *C. V. Bramsnaes*. Nordisk Admin. Tidsskrift. No. 3-4, 1929.
- Dutch East Indies.** Deconcentratie van het regeeren Overzees. *C. van Vollenhoven*. Koloniaal Tijdschrift. Mar., 1929.
- . Dutch rule in the East Indies. *M. W. F. Treub*. For. Affairs. Jan., 1930.
- Economic Council.** Legalized lobbying in Europe. *E. Pendleton Herring*. Current Hist. Feb., 1930.
- European Constitutions.** Les nouvelles tendances du droit constitutionnel. *B. Mirkine-Guetzévitch*. Rev. Droit Pub. et Sci. Pol. Oct.-Dec., 1929.
- . Les constitutions de la nouvelle Europe. *Georges Renard*. Rev. Pol. et Parl. Feb., 1930.
- France.** Alsace-Lorraine. La mission de l'Alsace d'après-guerre. *Alfred Denu*. Rev. Mondiale. Jan. 15, 1930.
- . Alsace-Lorraine: a border problem. *Mildred S. Wertheimer*. For. Pol. Assoc. Information Service. Feb. 19, 1930.
- . Clemenceau. Clemenceau. *Jean Lefranc*. Rev. Pol. et Parl. Dec. 1929.
- . M. Clemenceau et la bureaucratie. *Pierre d'Hugues*. Grande Rev. Dec., 1929.

- . Georges Clemenceau. *Jules Cambon*. Rev. Deux Mondes. Dec. 15, 1929.
- . Qui était Georges Clemenceau? *Jean Martet*. M. Clemenceau et M. Poincaré. *Georges Suarez*. Rev. Paris. Dec. 15, 1929; Feb. 15, 1930.
- . Georges Clemenceau. *Valeriu Marcu*. Neue Rundschau. Jan., 1930.
- . Clemenceau. *Sisley Huddleston*. Contemp. Rev. Jan., 1930.
- . Georges Clemenceau. *Philip Carr*. Current Hist. Jan., 1930.
- . Clemenceau the destroyer. *Robert Dell*. Nation. Jan. 22, 1930.
- . What manner of man was Clemenceau? *Stephen Bonsal*. World's Work. Feb., 1930.
- . Government. La réforme des méthodes du travail parlementaire. I. *Aubert Lefas*. Rev. Sci. Pol. Oct.-Dec., 1929.
- . La double notion de travail public. *René Capitant*. Rev. Droit Pub. et Sci. Pol. Oct.-Dec., 1929.
- . Le budget de 1930. *Édouard Payen*. Jour. des Économistes. June 15, 1929.
- . Une réforme constitutionnelle: la dissolution de la chambre. *Robert Redslob*. Quelques simplifications budgétaires. *A. Dupuy*. Rev. Pol. et Parl. Nov., 1929; Feb., 1930.
- . Politics. Die Bejahung der französischen Tradition durch Politik *Friedrich Sieburg*. Nord und Süd. Nov., 1929.
- . Réflexions sur une crise. *Georges Guy-Grand*. Grande Rev. Nov., 1929.
- . Poincaré. *Graf Carlo Sforza*. Nord und Süd. Dec., 1929.
- . The psychology of French politics. *André Siegfried*. Atlan. M. Jan., 1930.
- Germany. Ce que pense la jeunesse européenne. XV. Allemagne. *E. W. Eschmann*. Rev. Sci. Pol. Oct.-Dec., 1929.
- . Collective labor agreements in German law. *Ralph F. Fuchs*. St. Louis Law Rev. Dec., 1929.
- . Das Recht der Selbstverwaltung der Gemeinden und Gemeindeverbände nach Art. 127 der Reichsverfassung. *Friedrich Glum*. Archiv öffent. Rechts. Dec., 1929.
- . Der Kampf um die Reichsjustizreform vor 50 Jahren. *Reinhold V. Sydow*. Deutsche Rundschau. Dec., 1929; Jan., 1930.
- . Arbeitslosenversicherung. *Georg Gotheim*. Revision der Reichsverfassung. *Joh. Victor Bredt*. Finanzreformpläne. *Georg Gotheim*. Preuss. Jahrbücher. Dec., 1929; Feb., 1930.
- . Les difficultés de l'Allemagne. *L. Dumont-Wilden*. Rev. Bleue. Jan. 18, 1930.
- . L'Allemagne en 1929. *Jean de Pouydraguin*. Correspondant. Feb. 10, 1929.
- . Unemployment relief in Germany. *R. C. Davison*. Econ. Jour. Mar., 1930.
- Great Britain. Economic Policy. Die wirtschaftliche Organisation des britischen Reiches. *Sir Robert Hadfield*. Nord und Süd. Nov., 1929.
- . Licensing reform. *Alexander F. Port*. Nine. Cent. Jan., 1930.

- . The poor laws and their administration. *H. J. Marshall*. Quar. Rev. Jan., 1930.
- . Migration and unemployment. *John Roberts*. Contemp. Rev. Jan., 1930.
- . Unemployment in England. *John A. Hobson*. Nation. Jan. 22, 1930.
- . Unemployment and economic laws. *E. J. Broster*. English Rev. Feb., 1930.
- . Coal production. *J. H. Jones*. The coal mines bill. *Sir Richard Redmayne*. Retrenchment and prosperity. *Sir Charles Harris*. Nine. Cent. Feb., Mar., 1930.
- . The coal bill and the cartel. *D. H. Macgregor*. Econ. Jour. Mar., 1930.
- . The economic advisory council. Econ. Jour. Mar., 1930.
- . The dole. *Winston Churchill*. Sat. Eve. Post. Mar. 29, 1930.
- . Government. The history of the ministry of food. *E. F. Wise*. Econ. Jour. Dec., 1929.
- . The prerogative of dissolution. Round Table. Dec., 1929.
- . A charge of despotism. *William A. Robson*. Contemp. Rev. Jan., 1930.
- . Elizabethan customs administration. *Frederick C. Dietz*. English Hist. Rev. Jan., 1930.
- . The house of lords under Charles II. Part II. *A. S. Turberville*. English Hist. Rev. Jan., 1930.
- . Politics. Die Fabians. *Hans Kohn*. Zeitschrift für Politik. No. 10, 1929.
- . Great Britain: labour's first six months. Round Table. Dec., 1929.
- . On a distant prospect of power. *T. Earle Welby*. Ebb-tide at Westminster. *Adam Gowans Whyte*. The paradox of politics. *Sir John Marriott*. The true conservatism. *T. Earle Welby*. The English social experiment. *Egon Wertheimer*. Fort. Rev. Dec., 1929; Jan., Feb., 1930.
- . The prime minister. *Editor*. Quar. Rev. Jan., 1930.
- . Will British labor go out? *H. N. Brailsford*. New Repub. Jan. 15, 1930.
- . The three-party system. *F. J. C. Hearnshaw*. Unionist party policy. *Hugh Molson*. Nine. Cent. Feb., Mar., 1930.
- . Conservative prospects. *W. J. O'Donovan*. English Rev. Mar., 1930.
- . What about the liberals? *A Laborite*. Liv. Age. Mar. 1, 1930.
- Greece. Alexander Zaimis. *A. Andreades*. Nord und Süd. Jan., 1930.
- Hungary. Graf Julius Andrassy. *Otto Forst de Battaglia*. Europäische Gespräche. Jan., 1930.
- Iceland. Iceland's millenium. *Earl Hanson*. World's Work. Jan., 1930.
- India. The Indian financial system. *W. T. Layton*. Hindustan Rev. Apr.-June, 1929.
- . India and 1930. Round Table. Dec., 1929.
- . La situation politique de l'Inde. *Alain Petit*. Rev. Paris. Dec. 15, 1929.

- . *L'Inde splendide et tragique*. *Auguste Viatte*. Correspondant. Jan. 10, 1930.
- . What India wants. *Editor*. What next in India? *C. F. Andrews*. New Repub. Jan. 8, Feb. 26, 1930.
- . India demands freedom. *Charles F. Andrews*. Rev. of Revs. Feb., 1930.
- . The Indian demand for independence. *Ralston Hayden*. Current Hist. Feb., 1930.
- . Crisis in India. *J. L. Garvin*. Liv. Age. Feb. 15, 1930.
- . Storms over India: will Great Britain retain control? *P. W. Wilson*. Outlook. Feb. 26, 1930.
- . Gandhi and Indian reforms. *C. F. Andrews*. Yale Rev. Spring, 1930.
- . The alternatives for India. *Sir Mark Hunter*. English Rev. Mar., 1930.
- . The Indian scene. *Earl of Lytton*. Nine. Cent. Mar., 1930.
- . Documents concerning the origin and purpose of the Indian statutory commission. *Int. Conciliation*. Mar., 1930.
- Ireland. Ireland: events in the free state. Round Table. Dec. 1929.
- . Free state borrowing. "*Pat*." English Rev. Feb., 1930.
- . The first seven years of the Irish free state. *Bolton C. Waller*. Current Hist. Feb., 1930.
- Italy. Il gran consiglio del fascismo e la forma di governo dello stato italiano. *Oreste Ranalletti*. Riv. Diritto Pubblico. June-July, 1929.
- . Dal parlamentarismo al corporativismo. *Arnaldo Volpicelli*. Nuovi Studi di Diritto, Economia e Politica. Sept.-Oct., 1929.
- . Fascisme et catholicisme. *M. Dugard*. Grande Rev. Nov., 1929.
- . Die italienischen faschistischen Zeitschriften. *R. Kallofen*. Deutsche Rundschau. Jan., 1930.
- . Free speech in fascist Italy. *Robert C. Binkley*. New Repub. Feb. 5, 1930.
- . Fascist finance. *Francesco Nitti*. Nation. Feb. 5, 1930.
- . I fondamenti dell' economia corporativa. *Ugo Spirito*. Nuova Antologia. Feb. 16, 1930.
- . Prisoners of Mussolini. I. II. *Francesco Fausto Nitti*. N. Am. Rev. Feb., Mar., 1930.
- . Italy facing bankruptcy. *Francesco Nitti*. Crown prince or duke? Italy's dilemma. *A Rome Correspondent*. Liv. Age. Feb. 15, Mar. 15, 1930.
- Jugoslavia. Les règles fondamentales de la justice administrative yougoslave (*suite*). *Yvan Stéfanovitch*. Rev. Gén. Droit. Légis. et Juris. July-Sept., 1929.
- Mexico. The presidential election in Mexico. *Charles W. Hackett*. Ortiz Rubio, Mexico's new president. *Salvador Mendoza*. Current Hist. Jan., Mar., 1930.
- . Mexiko und der karaibische Raum. *Karl Hoffmann*. Deutsche Rundschau. Feb., 1930.
- . Administrative reorganization in the federal district of Mexico. *John B. Blandford, Jr.* Pub. Management. Feb., 1930.

———. Mexico and the communists. *Carleton Beals*. New Repub. Feb. 19, 1930.

———. Economic factors in Mexico. *J. S. Davis*. The land question in Mexico. *E. Gruening*. Am. Econ. Rev. Mar., 1930 (Supp.).

Mongolia. Die mongolische Republik. *Walter Anderssen*. Preuss. Jahrbücher. Sept., 1929.

———. Question mongole et question tibétaine. *B. Favre*. Rev. Paris. Feb. 1, 1930.

Netherlands. Die Wahlpflicht in den Niederlanden. *S. Gargas*. Archiv öffent. Rechts. Oct., 1929.

New Zealand. The political debacle in New Zealand. *W. H. Triggs*. Nat. Rev. Mar., 1929.

———. New Zealand: the parliamentary session. Round Table. Dec., 1929.

Norway. Det norske Bevillingsreglement. *Sigurd Fougner*. Nordisk Admin. Tidsskrift. No. 2, 1929.

Patronage. Why I believe in the patronage system. *W. Rupert Davies*. Nat. Mun. Rev. Jan., 1930.

Roumania. Le conseil législatif de Roumanie. *I. C. Filitti et G. Vrabiesco*. Rev. Sci. Pol. Oct.-Dec., 1929.

———. Un roumain qui sert la paix: le ministre Mironesco. *Jean Brunhes*. Rev. Mondiale. Jan. 15, 1930.

———. The political situation in Roumania. *F. Chalmers Wright*. Nine. Cent. Mar., 1930.

Russia. Les finances depuis la guerre. XIII. La Russie. *Dinah Abragam*. A propos de Lénine. *M. Caudel*. Rev. Sci. Pol. Oct.-Dec., 1929.

———. Initial success of soviet industrialization program. The soviet union. *Edgar S. Furniss*. The soviet's treatment of scientists. *W. Horsley Gantt*. Current Hist. Jan., Mar., 1930.

———. Russia on the brink. *Paul Scheffer*. Russia's vain appeal. *Robert de Traz*. Russia at home and abroad. I. The peasants and the five-year plan. *Wilm Stein*. II. The new foreign policy. *Nikolaus Basseches*. Liv. Age. Jan. 15, Mar. 1, 15, 1930.

———. Les intellectuels en Russie soviétique. *André Pierre*. Rev. Paris. Jan. 15, 1930.

———. La ruine morale au pays des soviets. I. La lutte contre dieu. II. L'offensive contre la foi. *Comte Kokovtsoff*. Rev. Deux Mondes. Jan. 15, Feb. 1, 1930.

———. Pyatiletka: Russia's new economic nostrum. *George Sylvester Viereck*. Sat. Eve. Post. Jan. 18, 1930.

———. The last phase. *Charles Sarolea*. English Rev. Feb., 1930.

———. Staline et l'avenir russe. *G. M. Ostroga*. Mercure de France. Feb. 15, 1930.

———. Geopolitical conditions of the evolution of Russian nationality. *P. Bizzilli*. Jour. Mod. Hist. Mar., 1930.

———. La Russia di Lenin attraverso la stampa sovietica. *Eugenio Anagnine*. Nuova Antologia. Mar. 1, 1930.

———. Russia and religion. *Editor*. The struggle in Russia. *Vera Micheles Dean*. New Repub. Mar. 5, 1930.

———. Russia's new revolution. *Louis Fischer*. Nation. Mar. 19, 1930.

Spain. Die spanische Diktatur. *Conde de Romanones*. Nord und Süd. Dec., 1929.

———. The dilemma of a dictator: the struggle in Spain. *W. Horsfall Carter*. Fort. Rev. Feb., 1930.

———. Spain's political turmoil. *Julio Alvarez del Vayo*. Spanish dictator announces new government plans. *Eloise Ellery*. Current Hist. Feb., 1930.

———. The future in Spain. *John Langdon-Davies*. New Repub. Feb. 12, 1930.

———. La fin de la dictature en Espagne. *L. Dumont-Wilden*. Rev. Bleue. Feb. 15, 1930.

———. Et Møde med Primo de Rivera. *Th. Steinthal*. Gads Danske Mag. Mar., 1930.

Turkey. La renaissance économique de la Turquie. *Nélia M. Pavlova*. Rev. Mondiale. Jan. 15, 1930.

———. Mustapha Kemal und die neue Türkei. *Kurt Koehler*. Mustafa Kemal. *Graf Carlo Sforza*. Nord und Süd. Jan., Feb., 1930.

———. The end of Enver Pasha. *Louis Fischer*. Va. Quar. Rev. Apr., 1930.

INTERNATIONAL RELATIONS

Books

Allen, Eleanor Wyllys. The position of foreign states before Belgian courts. N. Y.: Macmillan.

Bauer, Heinrich. Stresemann: ein deutscher Staatsmann. Pp. 268. Berlin. Georg Stilke.

Beaman, A. H. The dethronement of the khedive. London: Allen & Unwin.

Beauplan, Robert de. Où va la Syrie. Le mandat sous les cèdres. Paris: Tallandier.

Benns, F. Lee. Europe since 1914: a short history of the world war and reconstruction. Pp. xii + 671. N. Y.: Crofts.

Bosch, J. F. M. De Staatsschulden in het internationaal recht. Pp. 137. La Haye: Nijhoff.

Brandstrom, Elsa. Among prisoners of war in Russia and Siberia. London: Hutchinson.

Bron, Saul G. Soviet economic development and American business. N. Y.: Horace Liveright.

Buss, Claude Albert. The relation of tariff autonomy to the political situation in China. Pp. 141. Philadelphia: Univ. of Pa. Press.

Cady, John F. Foreign intervention in the Rio de la Plata. Pp. 296. Philadelphia: Univ. of Pa. Press.

Calbairac, Gaston. Traité de la nationalité de la femme mariée. Paris: Sirey.

Canonne, P. Essai de droit pénal international. L'affaire du "Lotus". Pp. 345. Paris: Sirey.

Carbillet, G. Au Djebel Druse. Paris: Edit. Argo.

Davie, Maurice Rea. The evolution of war: a study of its rôle in early societies. Pp. 401. New Haven: Yale Univ. Press.

Delos, J. T. La société internationale et les principes du droit public. Pp. 399. Paris: Pedone.

Denny, Ludwell. America conquers Britain. N. Y.: Knopf.

Einzig, Paul. The bank for international settlements. London: Macmillan.

Eppstein, John. Ten years' life of the league of nations. Pp. 175. London: Mayfair Press.

Faria, Bento de. Sobre o direito de expulsão. Pp. 254. Rio de Janeiro: J. Ribeiro Dos Santos.

Fischer, Louis. The history of soviet foreign affairs. N. Y.: Cape & Smith.

Flaes, R. Das Problem der Territorialkonflikte. Pp. 352. Amsterdam: H. J. Paris.

Fombona, Horacio Blanco. Crímenes del imperialismo norteamericano. Pp. 144. Mexico City: Churubusco.

Gardes, André. Le désarmement devant la société des nations. Pp. iv+258. Paris: Pedone.

Gerig, Benjamin. The open door and the mandates system. Pp. 236. London: Allen & Unwin.

Gibbons, Herbert Adams. Nationalism and internationalism. N. Y.: Stokes.

Gibbs, L. Vernon. Oil and peace. Pp. 204. Los Angeles: Parker, Stone & Baird.

Givet, J. S. de. Aristide Briand. Paris: Edit. Prométhée.

Glasgow, George. Continental statesmen. Pp. xv+238. London: Geoffrey Bles.

Gradnauer, Georg, u. Breitscheid, Rudolf, eds. Die Vorgeschichte des Weltkrieges. Band V. Deutschland auf den Haager Friedenskonferenzen. 2 vols. Berlin: Deutsche Verlagsgesellschaft für Politik und Geschichte.

Grigaut, Maurice. Que faut-il savoir de la société des nations? Pp. 126. Delagrave.

Guichard, Louis. Histoire du blocus naval. Pp. 240. Paris: Payot.

Hajnal, Henri. Le droit du Danube international. Pp. xii+317. The Hague: Nijhoff.

Harris, H. W. Naval disarmament. Pp. 124. London: Allen & Unwin.

Harris, H. W. The league of nations. Pp. 127. N. Y.: Cape & Smith.

Hauser, Henri, ed. Histoire diplomatique de l'Europe, 1871-1914. Pp. 480. Paris: Presses Universitaires.

Hirth, Friedrich. Stresemann. Paris: Edit. des Portiques.

Hutchinson, Paul. The united states of Europe. Chicago: Willett, Clark & Colby.

Izaga, Luis. La doctrina de Monroe: su origen y principales fases de su evolución. Pp. 288. Madrid: Razón y Fe.

Johnsen, Julia E., comp. Disarmament. Pp. 173. N. Y.: H. W. Wilson Co.

Keith, A. Berriedale. Wheaton's international law. (6th English ed.) 2 vols. London: Stevens.

Kloevekorn, Dr., ed. Das Saargebiet. Pp. 584. Saarbrücken.

Knudson, John Immanuel. Methods of international legislation, with special reference to the league of nations. Pp. 138. Geneva.

- Kunz, Josef L.* Staatenverbindungen. Pp. viii+818. Stuttgart: Kohlhammer.
- Langer, William L.* The Franco-Russian alliance, 1890-1894. Pp. 464. Cambridge: Harvard Univ. Press.
- Latimer, Hugh.* Naval disarmament: a brief record from the Washington conference to date. Pp. 112. London: Royal Inst. of Int. Affairs.
- Lodge, R.* Studies in eighteenth century diplomacy. Pp. 436. London: Murray.
- Martel, René.* Les frontières orientales de l'Allemagne. Pp. 264. Paris: Rivière.
- Martel, Jean.* Georges Clemenceau. Pp. 383. N. Y.: Longmans.
- Mautner, Wilhelm.* Der Kampf um und gegen das russische Erdöl. Pp. 261. Vienna: Manz.
- Mears, Eliot Grinnell.* Greece today: the aftermath of the refugee impact. Stanford Univ. Press.
- Mirkine-Guetzévitch, B.* L'influence de la révolution française sur le développement du droit international dans l'Europe orientale. Pp. 163. Paris: Hachette.
- Morrison-Bell, Sir Clive.* Tariff walls: a European crusade. Pp. xiii+223. London: Murray.
- Mousset, Albert.* Un drame historique: l'attentat de Serajevo, 28 juin 1914. Paris: Payot.
- Mühlmann, Carl.* Deutschland und die Türkei 1913-1914. Pp. 104. Berlin: Rothschild.
- Newfang, Oscar.* The united states of the world. N. Y.: Putnam's.
- Nonu, J. M.* Le reglement des dettes interalliées et le plan Dawes. Vol. I. Pp. 630. Paris: Blanchard.
- Olbrich, Heinrich O.* Der Leidensweg des oberschlesischen Volkes. Pp. 308. Breslau: Priebatsch.
- Olden, Rudolf.* Stresemann. Pp. 275. Berlin: Rowohlt.
- Owen, David Edward.* Imperialism and nationalism in the far east. Pp. 140. N. Y.: Holt.
- Randall, John Herman.* A world community. N. Y.: Stokes.
- Rappard, William E.* Uniting Europe: the trend of international coöperation since the war. (Institute of Politics Publication.) Pp. 326. New Haven: Yale Univ. Press.
- Reale, Egidio.* L'arbitrage internationale. Le règlement judiciaire du conflit de l'Alabama. Pp. 141. Paris: Payot.
- Reventlow, Ernst Graf.* Kriegsschuldfrage und Kriegsschuldflüchter. Pp. 258. Munich: Lehmann.
- Roemer, William Francis.* The ethical basis of international law. Pp. 203. Chicago: Loyola Univ. Press.
- Rogge, Albrecht.* Die Verfassung des Memelgebietes. Berlin: Verlag Deutsche Rundschau.
- Roosevelt, Nicholas.* America and England. Pp. 264. N. Y.: Cape & Smith.
- Rynne, Michael.* Die völkerrechtliche Stellung Islands. Pp. xii+435. München: Duncker & Humblot.
- Salin, E., ed.* Das Reparationsproblem. 2 vols. Berlin: R. Hobbing.

Samuel, Horace B. Unholy memories of the holy land. London: Hogarth Press.

Scala, Otto Erwin v. Die Wirtschaftlichen Vorteil des Anschlusses. Pp. viii+112. Wien: Wilhelm Braumüller.

Schnee, Heinrich, u. Draeger, Hans. Zehn Jahre Versailles. 2 vols. Berlin: Brückenverlag.

Schwertfeger, Bernhard. Der Weltkrieg der Dokumente. Zehn Jahre Kriegsschuldforschung und ihr Ergebnis. Pp. xiv+363. Berlin: Deutsche Gesellschaft für Politik und Geschichte.

Seferiades, St. Lessons of public international law. 2 vols. Pp. 620; 824. Athens: Univ. of Athens.

Sisco, Joseph. Aristide Briand. Paris: Rivière.

Stern-Rubarth, Edgar. Graf Brockdorff-Rantzau. Pp. 174. Berlin: Hobbing.

Struycken, A. J. N. M. Veranderingen in het Rijnregiem na den wereldoorlog. La Haye: Langenhuysen.

Tao, Chang Chung. Les traités inégaux de la Chine et l'attitude des puissances. Pp. 216. Paris: Rivière.

Thomson, Valentine. Briand: man of peace. N. Y.: Covici-Friede.

Townsend, Mary Evelyn. The rise and fall of Germany's colonial empire. N. Y.: Macmillan.

Trampler, Kurt. Staaten und nationale Gemeinschaften. Eine Lösung des europäischen Minderheitenproblems. Pp. xii+141. München: R. Oldenbourg.

Trezzi, G. La posizione giuridica della santa sede nel diritto internazionale. Pp. 113. Rome: Desclée.

Vagts, Alfred. Mexico, Europa und Amerika: Eine wirtschafts-diplomatische Untersuchung. Berlin: Walther Rothschild.

Vorster, M. Steyn. Die Britske Ryk: sy Grondslag, Doel, Ontwikkeling, Vervorming en Toekoms. Deel I. Pp. xiv+150. Amsterdam: Swets & Zeitlinger.

Weber, H. S. Der Kampf um die Saar. Berlin: Verlag Deutsche Rundschau.

Wienefeld, Robert H. Franco-German relations, 1878-1885. Pp. 200. Baltimore: Johns Hopkins Press.

Wolff, R. Die Rechtsgrundlagen der internationalen Kartelle. Pp. xvi+182. Berlin: Carl Heymanns Verlag.

Wrangel, Peter. The memoirs of General Wrangel. (Translated by Sophie Goulston.) Pp. 366. N. Y.: Duffield.

Articles

Air Warfare. The future of air warfare. *A. E. Blake.* Fort. Rev. Jan., 1930.
Algiers. Ce qui se prepare en Alger. *A. Augustin-Thierry.* Rev. Deux Mondes. Jan. 1, 1930.

Alliances. Das Problem der Allianzen. *Frhr. v. Rheinbaben.* Europäische Gespräche. Nov.-Dec., 1929.

American Foreign policy. Europa und Amerika gestern, heute und morgen. *Philip Kerr.* Europäische Gespräche. Nov.-Dec., 1929.

———. President Hoover in international relations. *Mark Sullivan.* Yale Rev. Winter, 1930.

———. America's bid for world trade. *Ignatius Phayre.* Quar. Rev. Jan., 1930.

———. A conflict between the commercial interests of the United States and its foreign policy. *Rising Lake Morrow*. *Hisp. Am. Hist. Rev.* Feb., 1930.

———. The United States, parity, and neutrality. *Lindsay Rogers*. *Contemp. Rev.* Feb., 1930.

———. La politique des États-Unis et l'Europe. *H. Clairborne Pell*. *Rev. Mondiale*. Feb. 15, 1930.

Antarctica. Australasian claims in Antarctica. *A. H. Charteris*. *Jour. Comp. Legis. and Int. Law*. Nov., 1929.

Arbitration. L'arbitrage de l'île de Palmas. *Fernand de Visscher*. *Rev. Droit Int. et Legis. Comp.* No. 4, 1929.

———. Le clause compromissoire et l'arbitrage en Turquie. *E. R. Salem*. *Jour. Droit Int.* July-Oct., 1929.

———. German experiences in international post-war arbitration. *Magdalene Schoch*. *Hamburg-Amerika-Post*. No. 10, 1929.

———. Arbitration in international disputes. *Fritz Moses*. *St. John's Law Rev.* Dec., 1929.

———. L'arbitrage commercial international. *René Arnaud*. *Rev. Pol. et Parl.* Jan., 1930.

———. The pan-American arbitration treaty. *Editor*. *New Repub.* Jan. 1, 1930.

———. British arbitration policies. *Norman L. Hill*. *Int. Conciliation*. Feb., 1930.

Armistice. Pouvaient-on signer l'armistice à Berlin? *Général Mordacq*. *Rev. Deux Mondes*. Dec. 15, 1929.

Baltic. Le problème baltique dans l'histoire moderne. *Ladislav Konopczynski*. *Rev. Historique*. Nov.-Dec., 1929.

———. La Lettonie et les problèmes baltiques. *A. Bihlmans*. *L'Esprit Int.* Jan., 1930.

Bolivia-Paraguay. The Bolivia-Paraguay dispute. *L. H. Woolsey*. *Am. Jour. Int. Law*. Jan., 1930.

Boundary Disputes. Unsettled boundary disputes in Latin America. *Agnes S. Waddell*. *For Pol. Assoc. Information Service*. Mar. 5, 1930.

China. China's policy of unrestricted sovereignty. *James T. Shotwell*. *Current Hist.* Mar., 1930.

Codification. Territorial waters as a test of codification. *Richard W. Hale*. The Hague conference on the codification of international law. *Jesse S. Reeves*. *Am. Jour. Int. Law*. Jan., 1930.

———. La procédure de la première conférence de codification. Les caractères des accords envisagés. *Redonensis*. *Jour. Droit Int.* Jan.-Feb., 1930.

———. Codification of international law—a basis of world government. *Norman Bierman*. *St. Louis Law Rev.* Feb., 1930.

Consular Service. Exclusive federal jurisdiction over suits against foreign consuls and vice-consuls. *R. G. S.* *Mich. Law Rev.* Mar., 1930.

———. The legal status of foreign consuls in Latin America. *Julius I. Puente*. *Columbia Law Rev.* Mar., 1930.

Counterfeiting. International convention for the repression of counterfeiting. *James W. Garner*. *Am. Jour. Int. Law*. Jan., 1930.

Diplomacy. Pleasures and pitfalls of diplomacy. *Maude Parker*. Sat. Eve. Post. Mar. 8, 1930.

Disarmament. Disarmament. *Norman A. Mackenzie*. Canadian Defence Quar. Oct., 1929.

———. The London conference. Mr. MacDonald in the United States. Round Table. Dec., 1929.

———. The London naval conference. *Willmott Lewis*, *Harry D. Gideonse*, *Burton L. French*, and *Raymond Leslie Buell*. For. Pol. Assoc. Pamphlet no. 60, Series 1929-30 (Dec., 1929).

———. Abolish the battleship! *H. N. Brailsford*. Secret diplomacy at London. *Editor*. Can battleships be abolished now? *Roy Veatch*. America blocks disarmament. *Editor*. Battleships in the conference. *H. N. Brailsford*. The crisis in the conference. *Editor*. Wanted: boldness at London. *W. T. Stone*. The American blunder at London. *Editor*. New Repub. Dec. 25, 1929; Feb. 5, 12, 19, Mar. 12, 26, 1930.

———. Naval realities. *Editor*. Quar. Rev. Jan., 1930.

———. Prospects of the five-power naval conference. *S. R. Drury-Lowe*. Contemp. Rev. Jan., 1930.

———. La conférence à cinq. *H. Wilson Harris*. L'Esprit Int. Jan., 1930.

———. Former naval conferences. *Henry W. Nevins*. The London naval conference. *Hector C. Bywater*. Liv. Age. Jan. 1, 15, 1930.

———. Le problème naval franco-italien. *Pierre Bernus*. Rev. Paris. Jan. 15, 1930.

———. A preface to parity. The perils of parity. *Henry Kittredge Norton*. Outlook. Jan. 22, 29, 1930.

———. Dollars and ships at London. *Editor*. Parity or reduction? *Norman Angell*. Nation. Jan. 29, Mar. 5, 1930.

———. Naval reduction: what it means in money. *Burton L. French*. The problem of "naval needs." Naval disarmament conference. *James Thayer Gerould*. Current Hist. Jan., Feb., Mar., 1930.

———. Dollars and sense of naval reduction. Politics and fleets. *William Hard*. How disarming Germany has made her thrive. *Samuel Crowther*. World's Work. Jan., Feb., Mar., 1930.

———. Clemenceau, Tardieu, and London. What can we expect at London? *Frank H. Simonds*. The navy Japan wants. *K. K. Kawakami*. London: the first stage. *Frank H. Simonds*. Rev. of Revs. Jan., Feb., Mar., 1930.

———. La conférence navale de Londres. *Henri Michel*. Rev. Pol. et Parl. Feb., 1930.

———. A word to the naval conference. *Poseidon*. English Rev. Feb., 1930.

———. London oder Genf? *Richard Kleineibst*. Sozialistische Monatshefte. Feb., 1930.

———. England und die Flottenkonferenz. *Mark Kerr*. Flottenabrüstung und Freiheit des Meeres. *Burton L. French*. Nord und Süd. Feb., 1930.

———. Europe arms for the next war. *George Sylvester Viereck*. Sat. Eve. Post. Feb. 8, 1930.

———. Peut-on limiter les armements maritimes? *Edgar de Geoffroy*. Correspondant. Feb. 10, 1930.

———. The naval conference of 1930. *K. G. B. Dewar*. Nine. Cent. Mar., 1930.

———. The naval conference: I. The basis of discussion. *D. Arnold-Foster*. II. The political byways. *Nauticus*. III. The naval conference and after. *Auger*. Fort. Rev. Mar., 1930.

Egypt. The Egyptian situation. *L. Haden Guest*. English Rev. Mar., 1930.

Entente. The late entente cordiale. "*Pertinax*". *Liv. Age*. Feb. 15, 1930.

Europe. The united states of Europe. Round Table. Dec., 1929.

———. Warum ich nicht an Europa glaube. *William Martin*. Nord und Süd. Dec., 1929.

———. The united states of Europe. *Salvador de Madariaga*. Forum. Jan., 1930.

———. Les états-unis d'Europe. *Émile Borel*. L'Esprit Int. Jan., 1930.

———. Pan-Europe? *Edouard Herriot*. For. Affairs. Jan., 1930.

———. Will Europe be Americanized? *André Siegfried*. Yale Rev. Spring, 1930.

———. Les états-unis français et le bloc atlantique. *Comte de Fels*. Rev. Paris. Jan. 15, 1930.

———. Vereinigte Staaten von Europa oder Einigung der europäischen Staaten? *Graf Wladimir d'Ormesson*. Nord und Süd. Feb., 1930.

———. The united states of Europe. *Winston Churchill*. Sat. Eve. Post. Feb. 15, 1930.

———. Masaryk and the new Europe. *Robert Machray*. Fort. Rev. Mar., 1930.

Exchange of Populations. La créance des émigrés prévue par la XI^e convention de Lausanne, du chef des biens dont ils ont été dépossédés. *C. G. Tenekides*. Rev. Droit Int. et Légis. Comp. No. 4, 1929.

Extraterritoriality. China decrees end of extraterritoriality. *Harold S. Quigley* and *Robert T. Pollard*. Current Hist. Feb., 1930.

Franco-German Relations. Die Zukunft der deutsch-französischen Beziehungen. *Jean Montigny*. Nord und Süd. Nov., 1929.

Freedom of Seas. Navies and neutral rights. *Editor*. New Repub. Dec. 25, 1929.

———. Immunity of neutral sea-borne commerce. *Chandler P. Anderson*. Am. Jour. Int. Law. Jan., 1930.

———. The freedom of the seas. *Selwyn H. Fremantle*. Contemp. Rev. Jan., 1930.

———. Freedom of the seas. *Wm. E. Borah*, *Pitman B. Potter*, and *Others*. Cong. Digest. Jan., 1930.

———. The future of sea power. *Alec Wilson*. Sat. Rev. of Literature. Jan. 11, 1930.

———. President Hoover's proposal to exempt food ships from blockade. *James Thayer Gerould*. Sea power and prosperity. *Benjamin H. Williams*. Current Hist. Jan., Feb., 1930.

———. The future of sea power: a speculation. *Melvin F. Talbot*. Nine. Cent. Feb., 1930.

———. *La liberté des mers.* William Borah. *Rev. Mondiale.* Feb. 15, 1930.

French Policy. The permanent bases of French foreign policy. Jules Cambon. *For. Affairs.* Jan., 1930.

———. *This man Briand.* William H. Crawford. *Rev. of Revs.* Mar., 1930.

Gas Warfare. *La guerre chimique.* E. Korovine. *Rev. Gén. Droit Int.* Pub. Nov.-Dec., 1929.

German Policy. Stresemanns Aussenpolitik. Viscount d'Abernon. Streseman und Frankreich. Marcel Ray. *Nord und Süd.* Nov., 1929.

———. *Das deutsch-tschechische Verhältnis in Vergangenheit und Gegenwart.* R. R. *Deutsche Arbeit.* Nov., 1929.

———. *Les relations économiques germano-roumaines.* André Tibal. *L'Esprit Int.* Jan., 1930.

———. *Gustav Stresemann, der Mensch aus der Nähe.* Heinrich Bauer. *Preuss. Jahrbücher.* Jan., 1930.

Haiti. *Les embarras haitiens des États-Unis.* L. Dumont-Wilden. *Rev. Bleue.* Dec. 21, 1929.

———. *Haiti under American control.* A. C. Millspaugh. *Current Hist.* Feb., 1930.

———. *Haiti—a plan for self-government.* The massacre at Aux Cayes. L. J. de Bekker. Fresh hope for Haiti. Victory in Haiti. Helena Hill Weed. *Nation.* Mar. 5, 12, 19, 26, 1930.

———. *Haiti after 1936: so far intervention has failed.* H. P. Davis. *Outlook.* Mar. 19, 1930.

———. *How to get out of Haiti.* Raymond Leslie Buell. *New Repub.* Mar. 26, 1930.

Indochina. *Frankreichs Politik in Indochina.* Alexander Varenne. *Nord und Süd.* Feb., 1930.

Institute of International Law. *La session de New York de l'institut de droit international.* Charles de Visscher. *Rev. Droit Int. et Légis. Comp.* No. 4, 1929.

Insurgency. The closure of ports in control of insurgents. Edwin D. Dickinson. *Am. Jour. Int. Law.* Jan., 1930.

International Labor Organization. *Quelques problèmes préoccupant l'organisation internationale du travail.* Charles Duzmans. *Rev. Droit Int. Sci. Dipl. et Pol.* July-Sept., 1929.

———. *Les conventions internationales du travail.* Ernest Maheim. *Rev. Droit Int. et Légis. Comp.* No. 4, 1929.

———. *Norden og den internationale arbejdsorganisation.* Erik Brül. *Nordisk Tidskrift for Vetenskap, Konst och Industrie.* No. 6, 1929.

———. *The international labor office: a criticism.* Matthew Woll. *Current Hist.* Jan., 1930.

———. *Das internationale Arbeitsamt und der internationale Gewerkschaftsbund.* Albert Thomas. *Sozialistische Monatshefte.* Feb., 1930.

International Law. *L'avant-projet du code pénal italien dans ses rapports avec le droit international.* J. C. Baak. *Rev. Droit Int. et Légis. Comp.* No. 4, 1929.

- . Divergenze nella dottrina italiana sui principi fondamentali del diritto internazionale pubblico. *C. Villa*. Riv. Diritto Int. Oct.-Dec., 1929.
- . Del rapporto tra diritto internazionale e diritto interno. *Benedetto Gentile*. Nuovi Studi di Diritto, Economia e Politica. Nov.-Dec., 1929.
- . Equity as a concept of international law. *Lester B. Orfield*. Ky. Law Jour. Jan., 1930.
- . The annual digest of international law cases. *Sir Frederick Pollock*. Law Quar. Rev. Jan., 1930.
- International Organization. Memorandum zur Frage der Völkerföderation. *A. Papanostasiou*. Nord und Süd. Dec., 1929.
- . International society. *Sir John Fischer Williams*. Century. Winter, 1930.
- . L'idée du rapprochement entre les nations dans l'histoire moderne. *M. Handelsman*. L'Esprit Int. Jan., 1930.
- . Suggestions during the crisis of 1840 for a "league" to preserve peace. *F. S. Rodkey*. Am. Hist. Rev. Jan., 1930.
- Islam. Islam and ourselves. *Arnold J. Toynbee*. Atlan. M. Jan., 1930.
- Justice. La justice internationale et la protection des intérêts privés (*suite*). *S. Rundstein*. Rev. Droit Int. et Légis. Comp. No. 4, 1929.
- Latin America. The United States and Latin-American dictatorships. *Albert Bushnell Hart*. Current Hist. Jan., 1930.
- . Las finanzas públicas y las relaciones económico-internacionales de las repúblicas americanas. *Constantino E. McGuire*. Rev. Bimestre Cubana. Jan.-Feb., 1930.
- Latin Union. A union of Latin nations. *Louis Guilaïne*. Liv. Age. Dec. 1, 1929.
- League of Nations. L'oeuvre passée et future de la société des nations. *Aristide Briand*. Rev. Droit Int. Sci. Dipl. et Pol. July-Sept., 1929.
- . Ten years of the league. *Hugh F. Spender*. Fort. Rev. Jan., 1930.
- . Der Völkerbund und die neutralen Staaten. *Albert v. Berzeviczy*. Nord und Süd. Jan., 1930.
- . Ten years of the league. *Eduard Beneš*. For. Affairs. Jan., 1930.
- . The league of nations and the United States: In favor of joining the league. I. *H. V. Kaltenborn*. II. *John H. Clarke*. Against joining the league. I. *David Jayne Hill*. II. *Philip Marshall Brown*. Current Hist. Jan., 1930.
- . The first ten years of the league of nations. *Arthur Sweetser*. Int. Conciliation. Jan., 1930.
- . The league: a ten-year record. *Sir Philip Gibbs*. N. Y. Times Mag. Jan. 5, 1930.
- . The league of nations. *Editor*. Ten years of the league. *Felix Morley*. Nation. Jan. 15, 1930.
- . After the first decade: the league of nations today. *Wickham Steed*. Outlook. Jan. 15, 1930.
- . The league of nations: a summary of its organization and accomplishments during ten years. *Raymond Leslie Buell*. In the league and out. *Norman Thomas, Mary Agnes Hamilton, and Raymond Leslie Buell*. For. Pol. Assoc. Pamphlet, Series 1929-30, No. 61 (Jan., 1930); No. 63 (Feb., 1930).

———. The league and the underdog. *John Maynard Keynes*. *Sat. Rev. of Literature*. Mar. 8, 1930.

Macedonia. La Macédoine et le devoir de la S. D. N. *Nélia Pavlova*. *Rev. Mondiale*. Feb. 15, 1930.

Manchuria. A solution of the Chinese eastern railway conflict. *C. C. Wang*. *For. Affairs*. Jan., 1930.

———. Le conflit sino-russe en Mandchourie. *K. K. Kawakami*. *L'Esprit Int.* Jan., 1930.

———. Russia and the orient. *Nathaniel Peffer*. *New Repub.* Jan. 1, 1930.

———. The dispute between Russia and China. *Ching-Chun Wang*. *Nine. Cent.* Feb., 1930.

———. Die Mandschureifrage als internationales Problem. *Georg Cleinow*. *Europäische Gespräche*. Feb., 1930.

———. L'avenir de la Mandchourie. *Marcel Bouvier*. *Rev. Mondiale*. Feb. 1, 1930.

Mandates. I rapporti fra la Gran Bretagna e l'Irak. *A. Moscato*. *Riv. Diritto Int.* Oct.-Dec., 1929.

———. Le mandat japonais sur les anciennes colonies allemandes du Pacifique. *M. Moncharville*. *Rev. Gén. Droit Int. Pub.* Nov.-Dec., 1929.

———. The working of the mandates. *William Ernest Hocking*. *Yale Rev.* Winter, 1930.

———. Britain in Irak. *Richard Lewinsohn*. *Liv. Age*. Feb. 1, 1930.

Mediterranean. Young Italy—old Africa: fascism turns colonizer. *Marwell H. H. Macartney*. *Fort. Rev.* Dec., 1929.

———. France and Italy in the Mediterranean. *Vera Micheles Dean*. *For. Pol. Assoc. Inf. Service*. Mar. 19, 1930.

Mexico. Church and state in Mexico: the American mediation. *Walter Lippmann*. *For. Affairs*. Jan., 1930.

Minorities. États-unis d'Europe et minorités. *L. de Monluc*. La Yougoslavie et les souffrances des minorités. *C. Stanicheff*. *Rev. Droit Int. Sci. Dipl. et Pol.* July-Sept., 1929.

———. Il diritto internazionale delle minoranze. *A. P. Sereni*. *Riv. Diritto Int.* Oct.-Dec., 1929.

———. Apponyi und das Minderheitenproblem. *M. P. Deutsche Arbeit*. Nov., 1929.

———. L'Allemagne et les minorités. *Jacques de Coussange*. *Rev. Pol. et Parl.* Nov., 1929.

Monroe Doctrine. Argentina and the Monroe doctrine, 1824-1828. *Watt Stewart*. *Hisp. Am. Hist. Rev.* Feb., 1930.

Nationality. Nationality: *jus soli* or *jus sanguinis*. *James Brown Scott*. *Am. Jour. Int. Law*. Jan., 1930.

———. La nationalité de la femme et les mariages mixtes. *J. Ernest-Charles*. *Rev. Mondiale*. Feb. 15, 1930.

———. A man with two countries. *Joseph Conrad Fehr*. *N. Am. Rev.* Mar., 1930.

Oil Policy. La politique française du pétrole. *François Lescazes*. *Nouvelle Rev.* Dec. 1, 15, 1929; Jan. 15, Feb. 1, 15, 1930.

———. How Europe gets its oil. *Francis Delaisi*. *Liv. Age*. Feb. 15, 1930.

Outlawry of War. How Stimson bungled. *Louis Fischer*. *Nation*. Dec. 25, 1929.

———. Kellogg pact invoked in soviet-Chinese dispute. *Harold S. Quigley*. *Current Hist.* Jan., 1930.

———. *Kriegsverzicht und Friedenswille*. *Frank B. Kellogg*. *Nord und Süd*. Jan., 1930.

———. The Kellogg pact in the London conference. *Editor*. *New Repub.* Feb. 12, 1930.

Pacific. The policy of the United States in the Pacific. *J. Q. Dealey*. *South-western Pol. and Soc. Sci. Quar.* Dec., 1929.

———. The Kyoto conference. *Editor*. *New Repub.* Dec. 25, 1929.

———. The Kyoto conference of the nations of the Pacific. *George H. Blakeslee*. *Current Hist.* Jan., 1930.

———. Oriental affairs in the light of the Kyoto conference. *George H. Blakeslee and James G. McDonald*. *For. Pol. Assoc. Pamphlet no. 62, Series 1929-30* (Jan., 1930).

Palestine. Conflict in Palestine: some first-hand evidence. *Kirby Page*. *The Palestine conundrum*. *Owen Tweedy*. *Fort. Rev.* Dec., 1929; Mar., 1930.

———. Zionism and the Jews. *Sidney Dark*. *Quar. Rev.* Jan., 1930.

———. "Reconstruction" in the holy land. *Pierre Crabites*. *Va. Quar. Rev.* Jan., 1930.

———. Arabs and Jews in Palestine. *Henry W. Nevins*. *For. Affairs*. Jan., 1930.

———. A Jewish political state in Palestine. *Pierre Crabites*. *British policy in Palestine*. *H. N. Brailsford*. *Current Hist.* Jan., 1930.

———. *Palästina und seine Nationen*. *Hans Reissner*. *Europäische Gespräche*. Feb., 1930.

———. Zionists and Arabs. *E. M. E. Blyth*. *English Rev.* Feb., 1930.

———. Le sionisme devant l'opinion française. *Georges Achard*. *Mercure de France*. Feb. 1, 1930.

———. The position of Palestine. *William Martin*. *Liv. Age*. Feb. 1, 1930.

Peace Policy. L'étude des facteurs sociaux de la guerre et de la paix. *G. L. Duprat*. *Rev. Int. Sociol.* May-June, 1929.

———. L'avenir de la paix. *Wladimir d'Ormesson*. *Europäische Gespräche*. Jan., 1930.

———. Paradoxes and peace. *A. Ruth Fry*. *Contemp. Rev.* Feb., 1930.

———. *Hvad gör Kirken for Freden?* *Valdemar Ammundsen*. *Gads Danske Mag.* Mar., 1930.

Prisoners of War. A new convention regarding prisoners of war. *W. P. Cresson*. *Am. Jour. Int. Law*. Jan., 1930.

Prohibition. The positions of Canada and the United States in the matter of trade in alcoholic beverages. *Pitman B. Potter*. *Am. Jour. Int. Law*. Jan., 1930.

Recognition. Acts of unrecognized governments—effect given to decrees of the Russian soviet government in American courts. *Note Editor*. *Columbia Law Rev.* Feb., 1930.

Reparations. Wall street and the international bank: a warning. *H. C. Trench*. *Fort. Rev.* Dec., 1929.

- . Les réparations orientales: Le point de vue bulgare. X. Le point de vue hongrois. *Z. Rev. Mondiale*. Jan. 1, 1930.
- . La Ruhr et le plan Dawes. *R. Poincaré*. *Rev. Paris*. Jan. 1, 1930.
- . The new world bank. *Jonathan Mitchell*. *Outlook*. Jan. 8, 1930.
- . Deutschland und die zweite Haager Konferenz. *Bernhard Dernburg*. Die Völkerbank, ein Friedensinstrument der Wirtschaft. *Hans Heymann*. Die Folgen der Haager Konferenz. *Georges Bonnet*. Nord und Süd. Jan., Feb., 1930.
- . À la conférence de la Haye.—Choses vues et entendues. III. IV. *Maurice Pernot*. *Rev. Deux Mondes*. Jan. 15, Feb. 1, 1930.
- . Liquidation de la guerre. Le bilan de la conférence de la Haye. *L. Dumont-Wilden*. *Rev. Bleue*. Jan. 4, Feb. 1, 1930.
- . Our muddling world: America's stake in Europe's recovery. *Salvador de Madariaga*. *Forum*. Feb., 1930.
- . The reparation settlement. *Sidney B. Fay*. *Current Hist.* Mar., 1930.
- Responsibility.** The responsibility of the state for the acts and obligations of local de facto governments and revolutionists. *N. D. Houghton*. *Minn. Law Rev.* Feb., 1930.
- Rhine.** The Rhineland occupation. *Emil Lengyel*. *Current Hist.* Feb., 1930.
- Russia.** Les mesures soviétiques d'expropriation devant les tribunaux étrangers. *Baron Boris Nolde*. *Rev. Droit Int. Sci. Dipl. et Pol.* July-Sept., 1929.
- . British labor and the soviets. *Louis Fischer*. *For. Affairs*. Jan., 1930.
- . The "unspeakable" Russians. *Drew Pearson*. *New Repub.* Jan. 29, 1930.
- . Soviet internal problems as affected by foreign relations. *Edgar S. Furniss*. *Current Hist.* Feb., 1930.
- . Bolshevik foreign policy. *Louis Fischer*. *Yale Rev.* Spring, 1930.
- Saar.** Kompetenzregelung zwischen Völkerbundrat und Saarregierung. *Josef M. Görden*. *Zeitschrift für Politik*. No. 2, 1929.
- . Le problème douanier sarrois. *Edouard Néron*. *Rev. Pol. et Parl.* Dec., 1929.
- Security.** International regulation of national action for self-defense. *Pitman B. Potter*. *Southwestern Pol. and Soc. Sci. Quar.* Dec., 1929.
- . The progress of coöperative defense. *Charles G. Fenwick*. *Am. Jour. Int. Law*. Jan., 1930.
- Slavery.** Forced labor: its international regulation. *Raymond Leslie Buell*. *For. Pol. Assoc. Inf. Service*. Jan. 8, 1930.
- . The British right of search and the African slave trade. *Richard W. Van Alstyne*. *Jour. Mod. Hist.* Mar., 1930.
- St. Lawrence Waterway.** The St. Lawrence navigation and power project. *Lesslie R. Thomson*. *Jour. Pol. Econ.* Feb., 1930.
- Suez Canal.** The Suez canal, 1885-1929. *Sir Ian Malcolm*. *Quar. Rev.* Jan., 1930.
- Tariff.** La coopération européenne et la politique douanière. *H. Truchy*. Le projet de trêve douanière. *Edouard Néron*. *Rev. Pol. et Parl.* Dec., 1929; Jan., 1930.

———. Tariff relations with France. *Ellery C. Stowell*. Am. Jour. Int. Law. Jan., 1930.

Treaties. Effect of war on treaties. *W. P. N. Mich.* Law Rev. Jan., 1930.

Vatican. The Roman question: a diplomatic retrospect. *M. Mansfield*. Dublin Rev. Jan., 1930.

———. The vatican and the kremlin. *Louis Fischer*. Nation. Jan. 15, 1930.

World Court. L'adhésion des États-Unis au protocole de signature du statut de la cour. *Innoxius*. Rev. Droit Int. et Légis. Comp. No. 4, 1929.

———. Les emprunts des états brésilien et serbe devant la cour permanente de justice internationale de la Haye. *André Prudhomme*. Jour. Droit Int. July-Oct., 1929.

———. L'affaire des emprunts serbes et brésiliens devant la cour permanente de justice internationale et les principes du droit international. *Raoul Genet*. Rev. Gén. Droit Int. Pub. Nov.-Dec., 1929.

———. The permanent court of international justice. *Vera Micheles Dean*. For. Pol. Assoc. Inf. Service. Dec. 25, 1929.

———. The interpretation of treaties by the permanent court of international justice. *Charles Cheney Hyde*. The eighth year of the permanent court of international justice. *Manley O. Hudson*. The new protocol for American accession to the permanent court of international justice. *Philip C. Jessup*. Am. Jour. Int. Law. Jan., 1930.

———. The world court as a going concern. *Charles Evans Hughes*. Am. Bar Assoc. Jour. Mar., 1930.

———. The leak in the dike. *George Wharton Pepper*. Sat. Eve. Post. Mar. 29, 1930.

War Debts. Dialogue sur les dettes internationales. *Armand Fournier*. Grande Rev. Jan., 1930.

———. The present phase of the war debts. *Garrard Winston*. Yale Rev. Winter, 1930.

———. Inter-allied debts, reparations, and national policy. *H. L. Lutz*. Jour. Pol. Econ. Feb., 1930.

World War. Les causes lointaines de la guerre mondiale. *Baron Albéric Rolin*. Rev. Droit Int. et Légis. Comp. No. 4, 1929.

———. L'intervention italienne dans la grande guerre. *Albert Pingaud*. Rev. de France. May 1, 1929.

———. Cadorna and Diaz. *Count Carlo Sforza*. For. Affairs. Jan., 1930.

———. Was the war useless? *William Martin*. Va. Quar. Rev. Jan., 1930.

———. German diplomatic documents. *J. W. Headlam-Morley*. Quar. Rev. Jan., 1930.

———. Violations of maritime law by the allied powers during the world war. *E. G. Trimble*. Am. Jour. Int. Law. Jan., 1930.

———. Origins of Potsdam council "legend." *Joseph Ward Swain*. The kaiser repudiates the Potsdam conference "legend." *T. St. John Gaffney*. The war guilt controversy: I. Criticism of the findings of the war guilt commission. *T. St. John Gaffney*. II. Restatement of Germany's share of war responsibility. *Preston W. Slosson*. III. Revelations in the newly published Austrian documents. *Alfred von Wegerer*. Current Hist. Jan., Feb., Mar., 1930.

- . *Der belgische Franktireurkrieg*. *Curt Schütt*. Preuss. Jahrbücher. Feb., 1930.
- . *Und in Deutschland?* *A. Mendelssohn Bartholdy*. Europäische Gespräche. Feb., 1930.
- . *Crépuscule d'alliance.—Le dialogue austro-allemand en 1918*. ***. *Rev. Deux Mondes*. Feb. 15, 1930.

JURISPRUDENCE

Books

- Altavilla, Enrico*. *La psicologia giudiziaria*. Pp. xxxi+671. Turin: Ed. Torinese.
- Balasingham, K.* *The laws of Ceylon*. Vol. I. London: Sweet & Maxwell.
- Black, William Harman*. *How to conduct a criminal case*. N. Y.: Prentice-Hall.
- Clark, Ralph B.* *Law and practice of receivers*. (Second ed.) 2 vols. Pp. cviii+1012; iii+1013-2053. Cincinnati: W. H. Anderson Co.
- Committee on Uniform Crime Records*. *Uniform crime reporting*. Pp. 464. N. Y.: Int. Assoc. of Chiefs of Police.
- Cook, Wayne G.* *Iowa justice practice*. Iowa City (Ia.): Eula Van Meter.
- Darmstaedter, Friedrich*. *Die Grenzen der Wirksamkeit des Rechtsstaates*. Pp. 305. Heidelberg: Winter.
- Davis, W. Jefferson*. *Aëronautical law*. Los Angeles: Parker, Stone & Baird.
- Diehl, Edwin W.* *The lawyer and his work*. Pp. 130. Alliance (O.): The Author.
- Frank, Jerome*. *Law and the modern mind*. N. Y.: Brentano's.
- Galgano, Salvatore*, ed. *Annuario di diritto comparato e di studi legislativi*. Vols. II-III. Pp. xvi+1145. Milan: Istituto Editoriale Scientifico.
- Garraud, René, et Garraud, Pierre*. *Traité théorique et pratique d'instruction criminelle et de procédure pénale*. Tome VI. Paris: Sirey.
- Givanovitch, Thomas*. *Système de la philosophie juridique synthétique*. Pp. 104. Paris: Rousseau.
- Hardy, Russell*. *Removal of federal offenders*. Pp. 107. Washington: John Byrne & Co.
- Harron, Marion J.* *Current research in law for the academic year 1928-1929*. Pp. 218. Baltimore: Johns Hopkins Press.
- Kau, J. van*. *Les efforts de codification en France*. Pp. xv+410. Paris: Rousseau.
- Maloy, Bernard S.* *Legal anatomy and surgery*. Chicago: Callaghan & Co.
- Moley, Raymond*. *Our criminal courts*. N. Y.: Minton, Balch.
- Morris, Richard B.* *Studies in the history of American law*. Pp. 285. N. Y.: Columbia Univ. Press.
- Perkins, Rollin M.* *Cases on criminal procedure*. (Iowa Casebook Series.) Pp. xxxi+672. Iowa City (Ia.): Eula Van Meter.
- Plaisant, Marcel, et Jacq, Fernand*. *Répertoire des brevets d'invention en droit international privé*. Pp. 240. Paris: Sirey.

Ross, *Alf.* *Theorie der Rechtsquellen.* Pp. xiv+458. Leipzig: Franz Deuticke.

Roubier, *P.* *Les conflits de lois dans le temps.* T. I. Pp. vii+575. Paris: Sirey.

Russell, *F. A. A.* *Essays and excursions in law.* London: Sweet & Maxwell.

Solberg, *P.-C.*, et *Cros, Guy-Ch.* *Le droit et la doctrine de la justice.* Pp. viii+178. Paris: Alcan.

Street, *Howard A.* *A treatise on the doctrine of ultra vires.* Pp. lxxxviii+591. London: Sweet & Maxwell.

Topping, *C. W.* *Canadian penal institutions.* Pp. xiv+126. Toronto: Ryerson Press.

Zollman, *Carl.* *Cases on air law.* Pp. 550. St. Paul: West Pub. Co.

Articles

Air Law. Ownership of airspace. *John A. Eubank.* *Dickinson Law Rev.* Jan., 1930.

———. La conférence de Varsovie du 12 octobre 1929 et l'unification du droit privé aérien. *G. Ripert.* *Jour. Droit Int.* Jan.-Feb., 1930.

———. What about the airspace? *John A. Eubank.* *Canadian Bar Rev.* Feb., 1930.

Appeals. Getting into the higher court. *Sumner Kenner.* *Ind. Law Jour.* Jan., 1930.

Arbitration. Arbitration at common law in Indiana. *Edwin M. S. Steers.* *Ind. Law Jour.* Dec., 1929.

———. The two fundamental concepts of arbitration and their relation to rules of law. *Geo. Gordon Battle.* *Va. Law Rev.* Jan., 1930.

———. Scope of the New York arbitration law. *Note Editor.* *Harvard Law Rev.* Mar., 1930.

———. Commercial arbitration: a practical plan. *John R. Abersold.* *Ann. Am. Acad.* Mar., 1930.

Bar. Training for the bar, with special reference to the admission requirements in Massachusetts. *Committee on Legal Education of Massachusetts Bar Association.* *Mass. Law. Quar.* Nov., 1929.

———. Bar examinations in relation to admission requirements. *George R. Nutter.* *Am. Law School Rev.* Jan., 1930.

———. Obligation of courts and lawyers. *Francis X. Busch.* The influence of the bar in the advance of civilization. *Samuel Rubin.* *Com. Law League Jour.* Feb., Mar., 1930.

Case Law. Case law in England and America. *Arthur L. Goodhart.* *Cornell Law Quar.* Feb., 1930.

Civil Law. The place of the civil law in Louisiana. *Henry P. Dart.* *Tulane Law Rev.* Feb., 1930.

Code Revision. Code revision and statutory consolidation. *Thomas C. Ridgway.* *Calif. State Bar Jour.* Feb., 1930.

Common Law. The restatement of the common law by the American law institute. *Arthur L. Corbin.* *Ia. Law Rev.* Dec., 1929.

———. Ohio and the English common law. *William T. Utter.* *Miss. Valley Hist. Rev.* Dec., 1929.

———. The first codification of the substantive common law. *Marion Smith*. *Tulane Law Rev.* Feb., 1930.

Comparative Law. Comparative civil law in the universities. *J. Eggen van Terlan*. *Jour. Comp. Legis. and Int. Law.* Nov., 1929.

———. Paul Vinogradoff—the pontiff of comparative jurisprudence. *Frank I. Schechter*. An international congress of comparative law in 1931. *Edouard Lambert and John H. Wigmore*. *Ill. Law Rev.* Jan., Feb., 1930.

Conciliation. Conciliation—a cure for the law's delay. *Edgar J. Lauer*. *Mass. Law Quar.* Feb., 1930 (Supp.).

Conflict of Laws. Qu'est-ce que le droit international privé? *P. Arminjon*. La sixième conférence de droit international privé (*suite*). *J. Kisters*. *Rev. Droit Int. et Légis. Comp.* No. 4, 1929.

———. Principes de droit international privé selon la loi et la jurisprudence française. *J. Perroud*. *Jour. Droit Int.* Jan.-Feb., 1930.

———. Conflict of laws: foreign created rights. *George Wilfred Stumberg*. *Tex. Law Rev.* Feb., 1930.

Contemporary Jurisprudence. Transitional phases of contemporary jurisprudence. *O. W. Dynes*. *Com. Law League Jour.* Mar., 1930.

Crime. Developments in the criminal law of Missouri. *J. Hugo Grimm*. *St. Louis Law Rev.* Dec., 1929.

———. Science in pursuit of crime. *Winthrop D. Lane*. *Nation*. Dec. 25, 1929.

———. The devil's workshop: where criminal ideas are hatched and young delinquents are spawned. *William Healey*. *Century*. Winter, 1930.

———. Criminal prosecution in England: II. Public prosecutions. *Pendleton Howard*. The distinction between mala prohibita and mala in se in criminal law. *Note Editor*. *Columbia Law Rev.* Jan., 1930.

———. What makes a criminal? *Joseph Lilly*. *Outlook*. Jan. 29, 1930.

———. Medieval theology in modern criminal law. *Frank Swancara*. Popular attitudes toward the administration of criminal justice. *T. Earl Sullenger*. The Illinois crime survey. *Arthur V. Lashly*. *Jour. Crim. Law and Crim.* Feb., 1930.

———. Modern methods of scientific criminology in the detection of crime. *Edward L. Miloslavich*. *Marquette Law Rev.* Feb., 1930.

———. Indefinite statutes defining crime. *Gilbert T. Adams*. *Tex. Law Rev.* Feb., 1930.

———. Criminal statutes in 1929. *Joseph P. Chamberlain*. *Am. Bar Assoc. Jour.* Feb., Mar., 1930.

———. How misery breeds crime. *Joseph Jastrow*. *N. Am. Rev.* Mar., 1920.

Engineering. Engineering in relation to law. *J. Preudhomme*. *Canadian Bar Rev.* Dec., 1929.

Equity. Some modern contacts between courts of equity and government policy. *William H. Lloyd*. *Minn. Law Rev.* Feb., 1930.

———. The last step in criminal equity. *B. G.* *Mich. Law Rev.* Feb., 1930.

French Law. La caution judicatum solvi en droit français moderne. *M. Philonenko*. *Jour. Droit Int.* July-Oct., 1929.

Habeas Corpus. Judicial abuse of habeas corpus. *Kenneth C. Sears*. *Ill. Law Rev.* Jan., 1930.

Hearsay. The borderland of hearsay. *Charles T. McCormick*. Yale Law Jour. Feb., 1930.

Injunction. Injunctive control of family relations. *Roy Moreland*. Ky. Law Jour. Mar., 1930.

Institute of Law. Johns Hopkins grapples with the law. *Frank R. Kent*. Scribner's. Jan., 1930.

———. Why it is the law. *Gerald W. Johnson*. Century. Winter, 1930.

Japanese Code. The revised Japanese code of civil procedure. *Kyozo Yuasa*. Ill. Law Rev. Mar., 1930.

Judicial Decision. Common sense versus profundity in judicial decisions. *John Everts Tracy*. Am. Bar Assoc. Jour. Mar., 1930.

Judicial Powers. Powers of court and judge. *Wayne G. Cook*. Ia. Law Rev. Feb., 1930.

Judicial Value. El valor jurídico de la ley. *Juan Beneyto Pérez*. Rev. Gen. Legis. y Juris. Jan., 1930.

Justice. Gerechtigkeit und Wahrheit. *Barna Horváth*. Rev. Int. Théorie Droit. No. 1, 1929-1930.

Law Reviews. Concerning the extent to which the law review contributes to the development of the law. *Douglas B. Maggs*. South. Calif. Law Rev. Feb., 1930.

Law Schools. Law schools today and tomorrow. *H. C. Horack*. Am. Bar Assoc. Jour. Mar., 1930.

Legal Aid. A university legal clinic for injured industrial workers. *E. F. Albertsworth*. Am. Bar Assoc. Jour. Jan., 1930.

———. The nature of a legal aid clinic. *John S. Bradway*. South. Calif. Law Rev. Feb., 1930.

Legal History. The cradle of western law. *Charles Sumner Lobingier*. U. S. Law Rev. Jan., 1930.

———. Cases in new curia regis rolls affecting old rules in English legal history. *George E. Woodbine*. Yale Law Jour. Feb., 1930.

Legal Reform. Methods of legal reform. *Charles E. Clark*. W. Va. Law Quar. Dec., 1929.

Legal Research. The conditions for, and the aims and methods of, legal research. *Felix Frankfurter*. Ia. Law Rev. Feb., 1930.

Litigation. The cost of litigation. *E. S. Roscoe*. Nine. Cent. Jan., 1930.

Mining Law. The new geophysical prospector and the old mining law. *Milton J. Keegan*. Am. Bar Assoc. Jour. Jan., 1930.

Natural Law. Droit naturel et droit positif. *Roger Bonnard*. Rev. Int. Théorie Droit. No. 1, 1928-1929.

Officiousness. Officiousness. II. *Edward W. Hope*. Cornell Law Quar. Feb., 1930.

Penal Codes. Principal characteristics of legal policy in the recent European drafts of penal codes: a comparative study. *Kurt Junckerstorff*. Jour. Comp. Legis. and Int. Law. Nov., 1929.

———. La responsabilidad en el nuevo código penal. *Honorio Valentin y Gamazo*. El derecho penal en Rumania. *Petre Ionescu Muscel*. Rev. Gen. Legis. y Juris. Dec., 1929; Jan., 1930.

———. Il progetto definitivo di un nuovo codice penale. *Ugo Spirito*. Nuovi Studi di Diritto, Economia e Politica. Nov-Dec., 1929.

Philippine Jurisprudence. Philippine jurisprudence—common law or civil law? *Eugene A. Gilmore*. Am. Bar Assoc. Jour. Feb., 1930.

Philosophy of Law. Die Idee der Totalität in der Philosophie und Rechtstheorie. *Eugen Baur*. Rev. Int. Théorie Droit. No. 3, 1928–1929.

Positive Law. Du rôle de l'autorité judiciaire dans la formation du droit positif. *Marcel Nast*. Rev. Int. Théorie Droit. No. 3, 1928–1929.

Primitive Law. Primitive law, evolution, and Sir Henry Sumner Maine. *Jacob Henry Landman*. Mich. Law. Rev. Feb., 1930.

Prisons. Indian prisons. *J. Chinna Durai*. Jour. Comp. Legis. and Int. Law. Nov., 1929.

———. The riot call. *John C. Groome*. Sat. Eve. Post. Jan. 25, 1930.

———. Revolt among missing men. *Howard McLellan*. Rev. of Revs. Feb., 1930.

———. An analysis of the prison problem. *E. Stagg Whitin*. Jour. Crim. Law and Crim. Feb., 1930.

———. Prison blight. *Ralph Chaplin*. Forum. Mar., 1930.

Procedure. Observations sur l'étude de la procédure civile (*suite*). *H. Vizios*. Rev. Gén. Droit, Légis. et Juris. July-Sept., 1929.

———. Report concerning pleading and practice in West Virginia. *Thurman W. Arnold, James W. Simonton, and Harold C. Havighurst*. Comments on proposed changes in procedure in West Virginia. *Edson R. Sunderland*. W. Va. Law. Quar. Dec., 1929.

———. The statute of 1696: a pioneer measure in the reform of judicial procedure in England. *Samuel Rezneck*. Jour. Mod. Hist. Mar., 1930.

Public Law. Les bases historico-empiriques de l'unité du droit public. *B. Mirkine-Guetzévitch*. Rev. Int. Théorie Droit. No. 4, 1928–1929.

Receivership. The differences in the priority of the United States in bankruptcy and in equity receiverships. *O. John Rogge*. Harvard Law Rev. Dec., 1929.

Roman Law. Roman law and the custom of London. *Walter G. Hart*. Law Quar. Rev. Jan., 1930.

Rule Making. Suggested plan for a rule-making body in North Carolina. *Moore Bryson*. N. C. Law Rev. Feb., 1930.

Russian Jurisprudence. Soviet criminal jurisprudence. *Walter Duranty*. Dickinson Law Rev. Jan., 1930.

Special Verdict. The special verdict as an aid to the jury in civil cases. *John W. Staton*. Am. Bar Assoc. Jour. Mar., 1930.

Technicalities. The maze of the law. *Richard Washburn Child*. Sat. Eve. Post. Mar 1, 1930.

Third Degree. The third degree. *Note Editor*. Harvard Law Rev. Feb., 1930.

———. American torquemadas. *Editor*. New Repub. Mar. 19, 1930.

Treason. History of the parliamentary declaration of treason. *Samuel Rezneck*. Law Quar. Rev. Jan., 1930.

LOCAL GOVERNMENT

Books

Atkinson, C. J. F. A concise handbook of provincial local government law. (2nd ed., revised by R. Borregaard.) Pp. 266. London: Effingham Wilson.

Dilnot, G. Scotland yard: its history and organization, 1829-1929. Pp. 352. London: Geoffrey Bles.

Dorau, H. B. The changing character and extent of municipal ownership in the electric light and power industry. Pp. ix+102. Chicago: Inst. for Research in Land Econ. & Pub. Utilities.

Duffus, R. L. Mastering a metropolis: planning the future of the New York region. Pp. xiii+302. N. Y.: Harper's.

Glotz, Gustave. The Greek city and its institutions. (Translated by N. Mallinson.) Pp. 436. N. Y.: Knopf.

Goodwin, Arthur E. Markets: public and private—their establishment and administration. Pp. 315. Seattle: Montgomery Printing Co.

Macdonald, Austin F. American city government and administration. Pp. xv+778. N. Y.: Crowell.

Manny, Theodore B. Rural municipalities. N. Y.: Century Co.

Newsholme, Sir Arthur. Health problems in organized society: studies in the social aspects of public health. London: P. S. King.

Sauvard, Henri, et Huet, Marthe. Nouveau guide pratique des maires, des adjoints, des conseillers municipaux et des secrétaires de mairie. Pp. 984. Paris: Garnier Frères.

Scholz, Karl., ed. Real estate problems. Pp. 243. Ann. Am. Acad. Mar., 1930 (Part I).

Sly, John F. Town government in Massachusetts, 1620-1930. Cambridge: Harvard Univ. Press.

Smith, T. V., and White, Leonard D., eds. Chicago: an experiment in social science research. Pp. 283. Chicago: Univ. of Chicago Press.

Suthers, R. B. Mind your own business: the case for municipal housekeeping. Pp. 125. London: Fabian Society.

Articles

Accounting. Cost accounting aids municipal administration in Minneapolis. *Gustave A. Moe.* Am. City. Mar., 1930.

Berlin. Problems confronting the Berlin administrative area. *Gustav Böss.* (Translated by R. A. Egger.) Nat. Mun. Rev. Jan., 1930.

Building Code. What is a safe building? *J. M. White.* Ill. Mun. Rev. Mar., 1930.

Chicago. Chicago's financial muddle. *Paul H. Douglas.* New Repub. Feb. 12, 1930.

———. Pulling Chicago's local governments "out of the red." Chicago politicians out-fiddle Nero. *Edward M. Martin.* Nat. Mun. Rev. Feb., Mar., 1930.

———. On the Chicago front. Poor, insolvent Chicago. *Lloyd Lewis.* Outlook. Feb. 19, 26, 1930.

City-County Consolidation. Boston and Suffolk county. *Arthur W. Bromage.* *Am. Pol. Sci. Rev.* Feb., 1930.

City Manager. Problems met in city management. *R. W. Rigsby.* Council-manager government in 1929. *Orin F. Nolting.* *Pub. Management.* Jan., Mar., 1930.

———. Manager cities in action. I. Two Wisconsin cities. II. Two New York cities. *Ernest S. Bradford.* Cleveland council removes city manager Hopkins. *Randolph O. Huus.* The new administration in Cleveland. *George H. Hallett, Jr.* Sacramento removes its manager. *Edwin A. Cottrell.* *Nat. Mun. Rev.* Feb., Mar., 1930.

City Planning. A comprehensive city plan for Aurora. *Jacob L. Crane, Jr.* *Ill. Mun. Rev.* Mar., 1930.

Cleveland. Cleveland women in government and allied fields. *Randolph O. Huus.* *Nat. Mun. Rev.* Feb., 1930.

County Government. The legal nature and status of the American county. *Charles M. Kneier.* *Minn. Law Rev.* Jan., 1930.

———. Judicial and administrative control of county officers. *John A. Fairlie.* *Mich. Law Rev.* Jan., 1930.

———. The administration of the county of Molise in the twelfth and thirteenth centuries. II. *Evelyn Jamison.* *English Hist. Rev.* Jan., 1930.

———. Development of newer county functions. *Charles M. Kneier.* *Am. Pol. Sci. Rev.* Feb., 1930.

———. The county-manager plan. *Charles M. Kneier.* The case for the county manager. *Paul W. Wager.* *Pub. Management.* Feb., Mar., 1930.

Economic Significance. The evolution of municipal government in the United States. VI. The economic significance of local government. *Luther Gulick.* *Pub. Management.* Jan., 1930.

English Local Government. Le gouvernement local en Angleterre et les réformes de 1925-1929. *H. Finer.* *Rev. Sci. Pol.* Oct.-Dec., 1929.

Finance. Feeling the city's purse. *Henry L. Shepherd, Jr.* *Nat. Mun. Rev.* Jan., 1930.

———. State supervision of local finance. I. II. *Edwin O. Stene.* *Minn. Municipalities.* Feb., Mar., 1930.

Health. Gaining and keeping health in Fargo. *M. W. Murphy.* *Am. City.* Jan., 1930.

Home Rule. Municipal home rule in Colorado. *Alfred S. Reinhart.* *Mich. Law Rev.* Feb., 1930.

Housing. The multiple dwelling law decision. *Vincent J. Keane.* *St. John's Law Rev.* Dec., 1929.

Justice of the Peace. Justice of the peace in Connecticut. *Lane W. Lancaster.* *Nat. Mun. Rev.* Jan., 1930.

———. Justices of the peace—territorial jurisdiction in civil cases. *R. E. T.* *Va. Law Rev.* Mar., 1930.

Juvenile Court. Juvenile court administration in Kentucky. *Chester D. Adams.* *Ky. Law Jour.* Mar., 1930.

Metropolitan Area. The evolution of municipal government in the United States. VIII. The government of metropolitan areas. *Thomas H. Reed.* *Pub. Management.* Mar., 1930.

Municipal Cabinet. The municipal cabinet in the United States. *J. Otis Garber*. *Nat. Mun. Rev.* Mar., 1930.

Municipal Ownership. The cost of municipal operation of the Seattle street railway. *Harry Leslie Purdy*. *Univ. of Wash. Publ. in Soc. Sci.* Aug., 1929.

———. The future outlook for municipal power systems. *R. E. McDonnell*. *Ill. Mun. Rev.* Jan., 1930.

Police. Police handling of crowds at special events, processions, and fires. *Clarence P. Taylor* and *Miller McClintock*. *Am. City.* Mar., 1930.

Referendum. Fraud and error in Chicago referendum returns. *David M. Maynard*. *Nat. Mun. Rev.* Mar., 1930.

Reports. Appraising municipal reports. *Clarence E. Ridley*. *Nat. Mun. Rev.* Jan., 1930.

Russian Municipal Government. Municipal government in soviet Russia. II. Since the revolution. III. Municipal finance. *Bertram W. Maxwell*. *Nat. Mun. Rev.* Jan., Feb., 1930.

Sanitation. The consolidation of municipal departments in New York. *Elmer C. Goodwin*. *Am. City.* Jan., 1930.

School System. Business administration—a weak spot in our city schools. *Harry P. Smith*. *Nat. Mun. Rev.* Mar., 1930.

Skyscrapers. Skyscrapers and spaciousness. *Thomas Adams*. *Am. City.* Mar., 1930.

Slums. Slum clearance. *Hugh Malson*. *Nine. Cent.* Mar., 1930.

Social Significance. The evolution of municipal government in the United States. VII. The social significance of local government. *Shelby M. Harrison*. *Pub. Management.* Feb., 1930.

Telephone. The New York telephone rate decision. *Nathaniel Gold*. *Nat. Mun. Rev.* Mar., 1930.

Town Planning. Town planning for country life protection. *Ralph Pierson*. *Am. City.* Jan., 1930.

Traffic Regulation. Road traffic: a policy. *Mervyn O'Gorman*. *Quar. Rev.* Jan., 1930.

———. What can be accomplished with through streets? *J. S. Baker*. Wanted: a substitute for the gridiron street system. *Henry Wright*. *Am. City.* Jan., Mar., 1930.

———. The law of the road. *H. H. Sawyer*. *Am. Mercury.* Feb., 1930.

———. Is motoring a crime? *Darwin L. Teilhet*. *Outlook.* Feb. 12, 1930.

Zoning. Aesthetics in zoning. *Charles P. Light, Jr.* *Minn. Law Rev.* Jan., 1930.

• ———. Relation of zoning ordinances and tax laws to real estate assessment. *Lawson Purdy* and *Others*. *Am. City.* Jan., 1930.

———. Dangers in amending zoning ordinances. *Charles E. Hammersley*. *Nat. Mun. Rev.* Jan., 1930.

———. Retroactive zoning ordinances. *Case and Comment Editor*. *Yale Law Jour.* Mar., 1930.

POLITICAL THEORY AND MISCELLANEOUS

Books

- Batten, Edward.* Nationalism, politics, and economics. Pp. 146. London: King.
- Brookings, Robert S.* Economic democracy. N. Y.: Macmillan.
- Brooks, W. Collin.* The theory and practice of finance. Pp. 425. N. Y.: Pitman.
- Burns, Cecil D.* Democracy, its defects and advantages. Pp. 217. N. Y.: Macmillan.
- Catlin, George E. G.* A study of the principles of politics, N. Y.: Macmillan.
- Couch, H. N.* The treasures of the Greeks and Romans. Pp. 111. Menasha (Wis.): Banta Pub. Co.
- Delahaye, J. V., and Others.* Politics: a discussion of realities. Pp. 182. London: C. W. Daniel.
- Deslinières, Lucien.* L'organisation socialiste. Paris: France-Edition.
- Duguit, Léon.* Traité de droit constitutionnel. Théorie générale de l'état. Paris: Boccard.
- Florence, Philip Sargent.* The statistical method in economics and political science. Pp. 545. N. Y.: Harcourt, Brace.
- Forst-Battaglia, Otto.* Prozess der Diktatur. Pp. 432. Leipzig: Amalthea-Verlag.
- Hartmann, Siegfried.* Technik und Staat. Pp. 108. Stuttgart: J. G. Cotta.
- Labarthe, Émile.* Le socialisme: doctrine et psychologie. Paris: Action Nationale.
- Laski, Harold J.* The dangers of obedience. N. Y.: Harper's.
- Liang, Chi-Chao.* History of Chinese political thought. N. Y.: Harcourt, Brace.
- Lindsay, A. D.* The essentials of democracy. Philadelphia: Univ. of Pa. Press.
- Luce, Robert.* Legislative principles: the history and theory of lawmaking by representative government. Pp. 673. Boston: Houghton Mifflin.
- Nisbet, James W.* A case for laissez-faire. Pp. vii+245. London: P. S. King.
- Page, Kirby, ed.* A new economic order. Pp. 387. N. Y.: Harcourt, Brace.
- Reed, Thomas H., Beard, Charles A., and Others.* Report of the committee on policy of the American political science association. Pp. 199. Am. Pol. Sci. Rev. Feb., 1930 (Supp.).
- Renk, Hans.* Der republikanische Gedanke in der deutschen Geschichte. Pp. 167. Jena: Zwing.
- Riazanov, D.* Karl Marx and Friedrich Engels. Pp. 224. London: Martin Lawrence.
- Sauer, Wilhelm.* Lehrbuch der Rechts- und Sozialphilosophie. Pp. xx+348. Berlin: Walther Rothschild.
- Seagle, William.* The future of censorship. London: Routledge.
- Stawell, F. Melian.* The growth of international thought. Pp. 250. London: Butterworth.
- Steffes, Johann Peter.* Religion und Politik. Pp. 233. Freiburg: Herder.
- Turmann, Max.* Le syndicalisme chrétien en France. Paris: Libr. Valois.

Vierkandt, A. Staat und Gesellschaft in der Gegenwart. Pp. 151. Leipzig: Quelle & Meyer.

Vossler, Otto. Die amerikanischen Revolutionsideale in ihrem Verhältnis zu den europäischen: untersucht an Thomas Jefferson. Pp. 197. Munich: R. Oldenbourg.

Willoughby, Westel W. The ethical basis of political authority. N. Y.: Macmillan.

Articles

Bureaucracy. In praise of bureaucracy. *A. Mendelssohn-Bartholdy.* Hamburg-Amerika-Post. No. 10, 1929.

Church and State. Calvin's theory of church and state. *R. N. Carew Hunt.* Church Quar. Rev. Apr., 1929.

———. Le nuove relazioni politiche tra lo stato e la chiesa. Le nuove relazioni giuridiche tra la stato e la chiesa. *Arnaldo Volpicelli.* Nuovi Studi di Diritto, Economia e Politica. Nov.-Dec., 1929.

———. The catholic church and the modern state. I. The issue is joined. *Charles C. Marshall.* II. The catholic position. *Hilaire Belloc.* Atlan. M. Mar., 1930.

Class Struggle. The importance of the class struggle in modern history. (concluded). *Halvdan Koht.* Jour. Mod. Hist. Mar., 1930.

Currency Question. The gold question. *A. J. Liveredge.* Fort. Rev. Feb., 1930.

———. The cross of gold. *Will Payne.* Sat. Eve. Post. Mar. 8, 1930.

Democracy. Den demokratiske Mythe. *Frantz Pio.* Gads Danske Mag. Dec., 1929.

———. The pragmatic electorate. *Francis G. Wilson.* Am. Pol. Sci. Rev. Feb., 1930.

———. How shall we get democracy? *O. A. Merritt-Hawkes.* English Rev. Mar., 1930.

Discretion. L'état—le droit—et le pouvoir discrétionnaire des autorités publiques. *Paul Alexeff.* Rev. Int. Théorie Droit. No. 3, 1928-1929.

Dynamic State. Dynamik und Statik in der Staatsrechtslehre. *Ulrich Scheuner.* Rev. Int. Théorie Droit. No. 3, 1928-1929.

———. Adam Smith and the dynamic state. *C. R. Fay.* Econ. Jour. Mar., 1930.

Elective Tenure. Quelle doit-être la durée des mandats électifs? *Gaston Bouniols.* Rev. Bleue. Jan. 18, 1930.

Fascism. Der politische Futurismus als Vorläufer des italienischen Faschismus. *Adolf Dresler.* Preuss. Jahrbücher. Sept., 1929.

Hobbes. Quelques aspects de la fonction judiciaire d'après Hobbes. *P. Baradier.* Rev. Anglo-Amér. June, 1929.

Legality. Le principe de légalité dans les doctrines de Duguit et Kelsen. *Georges Tassich.* Rev. Int. Théorie Droit. No. 1, 1929-1930.

Machiavelli. Machiavelli in der europäischen Politik. *Wolfg. C. Ludwig Stein.* Preuss. Jahrbücher. Sept., 1929.

Madison. James Madison: constructive political philosopher. *Horace H. Hagan.* Am. Bar Assoc. Jour. Jan., 1930.

- Marxism.** Marxism, communism, and the Japanese spirit. *Chikao Fujisawa*. *Int. Jour. Ethics*. July, 1929.
- National-Mindedness.** National-mindedness and international-mindedness. *George H. Mead*. *Int. Jour. Ethics*. July, 1929.
- Natural Law.** Economics and the idea of "jus naturale." *O. H. Taylor*. *Quar. Jour. Econ.* Feb., 1930.
- Parliamentarism.** Autour du parlementarisme. Le mode de nomination des ministres. *Georges Vanden Bossche*. *Rev. Belge*. June, 1929.
- Politics.** Politikwissenschaft. *Moritz Stockhammer*. *Rev. Int. Théorie Droit*. No. 1, 1929-1930.
- . Kultur und Politik. *Hans. Eibl*. *Deutsche Rundschau*. Sept., 1929.
- . Political developments and tendencies. *John A. Fairlie*. *Am. Pol. Sci. Rev.* Feb., 1930.
- Public Expenditures.** Classifications of public expenditures. *Harold W. Guest*. Problem of classification: expenditures and revenues. *M. H. Hunter*. *Am. Econ. Rev.* Mar., 1930.
- Public Works.** Business fluctuations and public works. *Georg Bielschowsky*. *Quar. Jour. Econ.* Feb., 1930.
- Socialism.** Capitalistic or public socialism? *John Dewey*. *New Repub.* Mar. 5, 1930.
- Sovereignty.** The intermittent sovereign. *Max Radin*. *Yale Law Jour.* Feb., 1930.
- . Peas in the international pod. *James T. Shotwell*. *Outlook*. Mar. 12, 1930.
- Theory of the State.** Völker und Staatsauffassungen. *Karl C. von Loesch*. *Deutsche Rundschau*. Sept., 1929.
- . Lineamenti di una teoria generale dello stato. I. II. *Hans Kelsen*. *Nuovi Studi di Diritto, Economia e Politica*. Sept.-Oct., Nov.-Dec., 1929.
- . Johann Gustav Droysen und der deutsche Staatsgedanke im 19. Jahrhundert. *O. Hintze*. *Zeitschrift gesamte Staatswissenschaft*. Jan., 1930.
- . Adam Heinrich Müller und die romantische Staatswissenschaft. *Otto Siegel*. Zur neueren realistisch-metaphysischen Staatstheorie. *Hugo Fischer*. *Archiv Rechts. u. Wirtschaftsphilosophie*. Jan., 1930.
- Treitschke.** Heinrich von Treitschke und die Folgen. *Karl Tschuppik*. *Neue Rundschau*. Feb., 1930.
- Tyranny.** The finance of tyrant governments in ancient Greece. *A. Andréadès*. *Econ. Hist.* Jan., 1930.
- Women in Politics.** Die Frauen im politischen Leben. *Margarete Bernhard*. *Zeitschrift für Politik*. No. 2, 1929.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Civil Service Commission. Brief history of United States civil service. (Reprint) Washington: Govt. Ptg. Off., 1929. 27 p.

———. Civil service act and rules, statutes, executive orders, and regulations, with notes and legal decisions; amended to Sept. 1, 1929. Washington: Govt. Ptg. Off., 1930. 113 p.

Congress. House of representatives. Reports to be made to Congress, letter from clerk of House of representatives transmitting list of reports to be made to Congress by public officers during 71st Congress. Dec. 2, 1929. Washington: Govt. Ptg. Off., 1929. 19 p.

———. *Civil service committee.* Civil service retirement act, hearings, 71st Congress, 2d session, Jan. 15, 1930. Washington: Govt. Ptg. Off., 1930. 75 p.

———. *Foreign affairs committee.* Grading and classification of clerks of foreign service and providing compensation; report to accompany H. R. 9110 . . . Washington: Govt. Ptg. Off., 1930. 9 p.

———. Policies of United States in Haiti, report to accompany H. J. Res. 150 (providing for commission to study and review policies of United States in Haiti. 6 p. *Same*, H. J. Res. 170. 6 p. Washington: Govt. Ptg. Off., 1929. *Senate.*

Address of J. Ramsay MacDonald, prime minister of Great Britain, delivered before the Senate, Oct. 7, 1929, with introductory remarks of the Vice-President. Washington: Govt. Ptg. Off., 1929. 3 p.

Senate Library. Index of Congressional committee hearings (not confidential in character) prior to Mar. 4, 1929, in Senate library; comp. by Edward C. Goodwin. Washington: Govt. Ptg. Off., 1929. 579 p.

———. *Judiciary committee.* Lobby investigation, hearings before subcommittee, 71st Congress, 1st session, pursuant to S. Res. 20, to investigate activities of lobbying associations and lobbyists in and around Washington, D.C. Washington: Govt. Ptg. Off., 1929. 401 p.

———. *Same*, 71st Congress, 2d session, p. 401-2184.

———. *Territories and insular affairs committee.* Independence for Philippine Islands, hearings, 71st Congress, 2d session, on S. 204, for withdrawal of United States from Philippine Islands, S. 3108, to enable the people of Philippine Islands to adopt constitution and to form free and independent Government, S. J. Res. 113, requesting the President to call a conference on the Philippine question, S. 199, to investigate feasibility of tariff autonomy for the Philippines in connection with hearings relative to their independence, Jan. 15 and 20, 1930. Washington: Govt. Ptg. Off., 1930. 118 p.

Government printing office. Foreign relations of the United States, list of publications for sale by superintendent of documents. Dec., 1929. (Price list 65, 12th ed.) Washington: Govt. Ptg. Off., 1930. 23 p.

———. Political science, documents and debates relating to initiative, referendum, lynching, elections, prohibition, woman suffrage, political parties, District of Columbia, list of publications for sale by superintendent of documents. Oct., 1929. (Price list 54, 15th ed.) Washington: Govt. Ptg. Off., 1929. 30 p.

Labor department, Naturalization bureau. Naturalization, citizenship, and expatriation laws, naturalization regulations, July 1, 1929. Washington: Govt. Ptg. Off., 1929. 116 p.

Library of congress. Specialists on Library staff, 1928-29. Washington: Govt. Ptg. Off., 1929. 339-351 p. (Extract from report of librarian of Congress, 1929.)

———. *Legislative reference service.* Digest of laws enacted in various states relating to possession, circulation, and sale of obscene literature (comp. by Agnes M. Brown) presented by Mr. Cutting. Washington: Govt. Ptg. Off., 1929. 22 p. (S. Doc. 54, 71st Cong. 2d sess.)

———. Tariff preference in Great Britain and British possessions: Imperial tariff preference in Great Britain and British possessions (prepared by André Bernard); with agitation for increased preferential tariff rates in British Commonwealth, with supplement (prepared by Margaret G. B. Blachly). Washington: Govt. Ptg. Off., 1929. 42 p.

President. Message of President of United States communicated to the two Houses of Congress at beginning of 2d session of 71st Congress. Washington: Govt. Ptg. Off., 1929. 27 p.

———. Proposals to improve enforcement of criminal laws of United States, message transmitting comments. . . . Jan. 13, 1930. Includes preliminary and supplemental reports on observance and enforcement of prohibition, by commission on law observance and enforcement, and letters from attorney-general and secretary of treasury. Washington: Govt. Ptg. Off., 1930. H. Doc. 252, 71st Cong. 2d session.)

STATE AND TERRITORIAL

ARIZONA

Arizona blue book or state roster of federal, county, and city officials of Arizona, 1929-1930. . . . Comp. by I. P. Fraizer, secretary of state. Phoenix, 1929. 250 p.

DELAWARE

Public archives commission. Minutes of House of assembly of the government of the counties of New Castle, Kent, and Sussex upon Delaware at sessions held at New Castle, in the year 1739. (Not complete.) Dover, 1929. 45 p. "In print for the first time."

———. Minutes of the House of assembly of the three counties upon Delaware at sessions held at New Castle in the years 1740-1742. (Not complete.) Dover, 1929. 100 p. "In print for the first time."

GEORGIA

Commission to simplify and coördinate the operations of the governmental departments. Plan of simplification and coördination of the departments, boards,

commissions, and institutions of the state government of Georgia, submitted by the governor's commission, 1929. Atlanta, 1929. 38 p.

General assembly. Manual of the general assembly of the state of Georgia, 1929-1930. . . . Atlanta, 1929. 287 p.

Governor. Message of Lamartine Griffin Hardman, governor to the general assembly. . . . July 2, 1929. Atlanta, 1929. 15 p.

———. Second message. . . . July 17, 1929. 23 p.

———. Inaugural address of Lamartine Griffin Hardman. . . . 1929. 12 p.

State library. Legislative reference dept. Georgia syllabus of legislation of general interest, 1929 session, comp. in legislative reference dept. . . by Ella May Thornton, state librarian. Atlanta, 1929. 3 p.

IOWA

Official register. Thirty-third number. . . . Des Moines, 1929. 581 p.

NEW YORK

University of the state of New York. Division of archives and history. The Sullivan-Clinton campaign in 1779. Chronology and selected documents, prepared . . . in connection with the sesquicentennial of the American revolution. Albany, 1929. 216 p.

OKLAHOMA

Governor. Message of the Honorable William J. Holloway, governor . . . extraordinary session of the 12th legislature, 1929. Oklahoma City, 1929. 30 p.

VERMONT

State papers of Vermont. Volume 3. Journals and proceedings (vol. 4) of the state of Vermont, October session, 1787; October session, 1788; October session, 1789; October session, 1790; January session, 1791. With explanatory notes. . . . Montpelier, 1929. 307 p.

WISCONSIN

University of Wisconsin, Municipal information bureau. Salaries of county officials in Wisconsin, 1929, compiled by Celia Harriman. Madison, 1929. 13 leaves, mim.

FOREIGN

AUSTRALIA

Conference of commonwealth and state ministers. Proceedings and decisions. Canberra, 1929. 21 p.

BELGIUM

Ministère des affaires étrangères. Documents diplomatiques relatifs à la revision des traités de 1839. Bruxelles, 1929. 50 p.

CANADA

International convention for the protection of industrial property. Ottawa, F. A. Acland, 1929. 31 p. (Treaty ser. 1928 No. 3).

———. Ratification effected by an exchange of notes . . . extending to Canada . . . the convention between H. M. and France, respecting legal procedure

in civil and commercial matters. . . . Ottawa, F. A. Acland, 1929. 15 p. (Treaty ser. 1928. no. 15).

Bureau of statistics. Origin, birthplace, nationality, and language of the Canadian people. (A census study based on the census of 1921 and supplementary data.) Ottawa, F. A. Acland, 1929. 224 p.

CHINA

International relations committee. The Sino-Russian crisis; the actual facts brought to light. Nanking, International Relations Committee, 1929. 105 p.

COSTA RICA

Secretaria de relaciones exteriores. Colección de tratados contiene solamente los tratados vigentes en la fecha del 31 de Diciembre de 1926. San José, 1927. 435 p.

GERMANY

Auswärtiges amt. Die auf der Haager konferenz getroffenen politischen und finanziellen vereinbarungen. Berlin, 1929. 26 p.

———. German diplomatic documents, 1871-1914, vol. II. From Bismarck's fall to 1898. Lond. Methuen & Co. 1929. 528 p.

Institut für ausländisches und internationales privatrecht, Berlin. Die deutsche rechtsprechung auf dem gebiete des internationalen privatrechts in Jahre 1928. (Sonderh. . . . Zeitsch. für ausländisches und internationales privatrecht. . . .) Berlin, 1929. 207 p. (an official doc.)

Institut für ausländisches öffentliches recht und völkerrecht. Lehrbuch des völkerrechts. . . . Bd. I. Berlin, DeGruyter, 1929. 429 p.

Reichsgericht Leipzig. Verzeichnis der zeitschriften, entscheidungssammlungen und jahrbücher der bibliothek. . . . Leipzig, 1929. 94 p.

Reichszentrale für heimatdienst, Berlin. Young-plan oder Dawes-plan. Berlin, 1929. 8 p.

Baden, Landtag. Handbuch der landtag. Karlsruhe, 1929. 168 p.

GREAT BRITAIN

Colonial office. Policy in 'Iraq. Lond. H.M.S.O., 1929. Cmd. 3440.

———. Report of Sir Samuel Wilson on his visit to East Africa. . . . Lond. H.M.S.O., 1928. 38 p. Cmd. 3378.

Foreign office. Agreement between His Majesty's government in the United Kingdom and the government of France respecting the delimitation of certain portions of the boundary between Senegal and Gambia. Lond. H.M.S.O., 1929. 19 p. Cmd. 3340.

———. Convention between His Majesty and the President of the German reich regarding legal proceedings in commercial and civil matters. . . . Lond. H.M.S.O., 1929. 15 p. Cmd. 3286.

———. Convention between Palestine and Egypt concerning the reciprocal enforcement of judgments. Lond. H.M.S.O., 1929. 4 p. Cmd. 3368.

———. Exchange of notes relating to proposals for an Anglo-Egyptian settlement. Lond. H.M.S.O., 1929. 13 p.

———. *Inland revenue dept.* Income taxes in the British dominions. A digest

of the laws imposing income taxes and cognate taxes in the British dominions, colonies, protectorates, etc. (2d ed.) Lond. H.M.S.O., 1928-29. 2 v.

Royal commission appointed to enquire into electoral systems. Report; with appendices. Lond. H.M.S.O., 1929. (Reprint of 1910 edition.) Cmd. 5163.

———. *Royal commission on local government.* Final report. Lond. H.M.S.O., 1929. Cmd. 3436.

GUATEMALA

Comisión de límites. Boundaries between Guatemala and Honduras. Guatemala's effort to canalize the Motagua river and the undisputed jurisdiction that she has exercised over its valley since the XVIII century. . . . Guatemala, Imp. Tip. Nacional, 1929. 36 p.

MEXICO

Ministerio de relaciones exteriores. Un esfuerzo de Mexico por la independencia de Cuba. . . . Mexico, 1930. 228 p.

NEW ZEALAND

Census and statistics office. Local authorities' handbook of New Zealand. 4th ed, 1929. 740 p.

POLAND

Ministerstwo spraw zagranicznych. Documents diplomatiques. Relations polonois-Lithuaniennes. Conférences de Copenhague et de Lugano. Warsaw, 1929. 108 p.

PORTUGAL

Compilação ate 31 de outubro de 1929 dos tratados e convenções comerciais em vigor entre Portugal e os outros países. Lisboa, Imp. Nacional, 1929. 119 p.

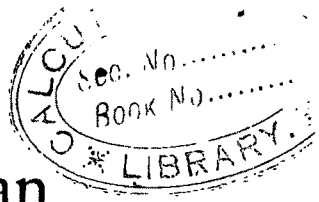
RUSSIA

Gosudarstvennaia planovaiia komissia. The Soviet union looks ahead; the five-year plan for economic construction. N.Y., H. Liveright, 1919, 275. p.

———. *U.S.S.R. Chamber of commerce for the west.* Facts and figures regarding the Union of S.S.R. Moscow, 1929. 112 p.

SOUTH AUSTRALIA

Select committee on the municipal corporations act amendment bill. Report. 1929. 25 p.



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SOME PHASES OF THE THEORY AND PRACTICE OF JUDICIAL REVIEW OF LEGISLATION IN FOREIGN COUNTRIES

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It is no longer customary to the extent that it formerly was to maintain that judicial review of legislation and the consequent annulment of laws is an exclusively American political practice. With the courts of at least a score of countries passing on the validity of legislative acts, and occasionally refusing to apply them in concrete cases, the American method of guarding constitutions, characterized in the eighteenth and nineteenth centuries as a new political phenomenon, has now an extensive application among the countries operating under written fundamental laws.

Interesting developments are taking place with respect to judicial review of legislation in foreign countries. Austria and Czechoslovakia have established special constitutional courts with authority to determine whether acts are in accord with their constitutions.¹ Germany is in the process of adopting judicial review of acts of the national government as implied in the provisions of the new constitution.² According

¹ See Charles Eisenmann, *La justice constitutionnelle et la haute cour constitutionnelle d'autriche* (Paris, 1928), and Frantisek Weyr, "Le tribunal constitutionnel de la république tchécoslovaque," *Bulletin de droit tchécoslovaque* (1925-26), vol. 1, pp. 129, 132.

² See Carl J. Friedrich, "The Issue of Judicial Review in Germany," 43 *Polit. Science Quar.* (June, 1928) 188; Richard Grau, "Zum Gesetzentwurf über die Prüfung der Verfassungsmässigkeit von Reichsgesetzen und Reichsverordnungen,"

to certain jurists, French courts have taken the first steps to establish themselves as the special interpreters and guardians of the French constitution.³ Though the dominant opinion of French lawyers and statesmen is opposed to judicial review as a feature of the French system of government, there is a growing sentiment in favor of the acceptance of the principle, as a necessary means of rendering more effective the provisions of the constitution and of protecting individual rights as guaranteed in the Declaration of Rights. The Irish Free State has followed the lead of Canada and Australia in placing the guardianship of its new constitution in the courts.⁴ In adopting a new constitution, Chile appears to have taken preliminary steps to change a system of parliamentary supremacy to a modified régime of judicial supremacy.⁵ There is considerable public discussion in Switzerland of the possibility of accepting the principle of review of the acts of the Federal Assembly.⁶

Moreover, features of the American plan of judicial review, such as the application of the vague criteria of due process of law and the equal protection of the laws and the doctrines favorable to the protection of vested rights, which have been largely confined to the decisions of the courts of the United States, seem to be in process of acceptance in certain foreign countries. There is frank recognition today that one of the greatest problems of modern governments is the reconciliation

Archiv des öffentlichen Rechts, N. F. II, 287; and Fritz Morstein Marx, *Variationen über richterliche Zuständigkeit zur Prüfung der Rechtmässigkeit des Gesetzes* (Berlin, 1927). Marx gives a summary of the opinions of the opposing factions relative to judicial review in Germany.

* M. Hauriou claims that the Tribunal of Conflicts in a decision of July 30, 1873, and the Council of State in two decisions, August 7, 1909, and March 1, 1912, recognized the power of verifying the constitutionality of laws. *Précis de droit constitutionnel* (2nd. ed., Paris, 1929), 282 ff. For a different interpretation, see Gaston Jèze, "Le contrôle juridictionnelle des lois," 41 *Revue du Droit Public* (1924) 409, and Joseph Barthélemy, *Traité élémentaire de droit constitutionnel* (Paris, 1926). Cf. also Jacques Leblanc, *Du pouvoir des tribunaux d'apprécier en France la constitutionnalité des lois*. Thesis (Paris, 1924).

³ Constitution (1922), arts. 65, 66.

⁴ Constitution (1925), art. 86.

⁵ Cf. *Annuaire de l'Institut International de Droit Public* (1929), 197.

of the liberty of the individual and the interests of the public order, and that judicial review of legislative and administrative action is likely to aid in securing an appropriate and effective reconciliation of these major interests.

Though the similarities between the practices of courts in declaring legislative acts invalid in foreign countries and the features of the American system are significant, the differences between the foreign ideas and procedure and the methods and results of judicial review in the United States are of greater import. One factor which changes the whole basis and application of judicial review, as has frequently been pointed out, is the practice of many foreign legislatures to enact mainly general laws and to authorize administrative officers to issue supplementary provisions and to regulate the details of administration by ordinances. Under such a system, most of the rules and regulations affecting private rights and privileges are made by administrative officers. And over the acts of these officers either special administrative courts or the ordinary courts exercise, as a rule, a vigorous and effective control. Their ordinances, if deemed in excess of the authority granted, may be annulled, and the administrative acts may be condemned for unfairness or inexpediency.⁷ Since most of the cases which arise in the United States wherein statutes are held void would arise in Continental European countries under illegal ordinances or a misuse of administrative power, the courts of these countries can check illegal or unreasonable official conduct without becoming involved in a conflict with the supreme political powers of the state. It is the review of administrative action that constitutes the chief matter of interest in the public law of Europe. The combination of the review of the constitutionality of laws and of the legality of administrative action gives the Austrian Constitutional Court an important status, and the failure to confer similar authority has weakened the position of the constitutional court of Czechoslovakia.

⁷ See Raphaël Alibert, *Le contrôle juridictionnel de l'administration au moyen du recours pour excès de pouvoir* (Paris, 1926).

The significance of judicial review of legislation is also
✓ greatly affected by the method of amendment of the constitution. Where the legislative chambers may change the constitution either by passing an amendment in successive sessions or by a greater majority, or subject to both requirements, the refusal of the courts to enforce a law may have only the
✓ effect of a suspensive veto. Moreover, a court which recognizes that its decisions can be reversed by legislative action will hesitate to decide that the legislature has incorrectly interpreted the fundamental law. The simple and direct methods of amending constitutions which are now in force in many countries will naturally limit efforts to establish an effective
✓ system of judicial review of legislation.

In view of the existing methods of legislation and administration, judicial review of legislation would be relatively unimportant in most European countries, because the primary and really effective results of such review are now secured
✓ by judicial control over administrative legislation and procedure. Though a survey of the review of administrative action in foreign countries is extremely interesting, it is necessary to turn from this important feature of public law to a more significant issue before the people of many of these countries, namely, shall judicial review of legislative acts be adopted, and under what forms shall it be accepted, or, granting that the principle of judicial review of legislative acts is already accepted, under what conditions and limitations should such authority be exercised?

Though judicial review of legislation as developed in the United States has affected the governmental structure of the country more than any other feature of the political system, little consideration has been given to the actual results which have followed from the acceptance of the legal customs and traditions involved. Despite widespread dissatisfaction with particular decisions of American courts, and with the assumption of powers by the judges believed to be unwarranted by the express language of written constitutions, it is singular that one must turn to foreign countries to find some of the

most penetrating and thorough analyses of the results of the American system of judicial review of legislation and of the legal concepts and postulates on which the system is based. All law is based to a certain extent on postulates or assumptions, and in no phase of the law is it more necessary to evaluate postulates than in relation to the legal ideas involved in the practice of the review of legislation by the courts.

Despite the limited applications of the principle of judicial review of legislation when the principle is adopted under many constitutional systems, thorough and penetrating discussions of the nature and problems of judicial review of legislation are taking place in France, Austria, Germany, and other countries. Jurists and political leaders in these countries are advocating the adoption of the review of legislation by courts. Certain publicists, following the Hamilton-Marshall doctrines relating to judicial review, as interpreted by Judge Cooley in his *Constitutional Limitations* and by Lord Bryce in *The American Commonwealth*, favor the immediate and unqualified acceptance by the judges of the principle of judicial review as applied in the United States.

Constitutional provisions, according to this type of reasoning, are fundamental laws and should be regarded as superior to ordinary laws when the judges believe there is a conflict between a statute and the constitution. Though the judges refuse to enforce a law which they deem in conflict with the constitution, it is insisted that they do not declare a law void; they merely set the will of the people against that of their agents. In effect, the popular will is sustained. And the exercise of such authority by judges does not involve a superiority or supremacy of the judicial department over the other departments of government or over the constitution. The process of judicial review of legislation involves the exercise of judicial power only.⁸

⁸ Louis Proal, "Le rôle du pouvoir judiciaire dans les républiques." 56 *Revue Politique et Parlementaire* (June, 1908) 558; Gaston Jèze, "Notions sur le contrôle des délibérations des assemblées délibérantes," 53 *Revue Générale d'Administration* (May-Aug., 1895) 401, and 54 *Revue Générale d'Administration* 31,

A well known philosopher, speaking of certain types of postulates, states that experience is allowed to confirm them but not to invalidate them; they are none the worse if events do not conform to them. Thus the mere discrepancy of experience does not refute such postulates; in fact, they can maintain themselves against an indefinite amount of hostile experience.⁹ Only by recognizing a form of logic, or of reasoning, which has no relation to either facts or experience can one account for some of the postulates or so-called principles which form the background for the American doctrine of judicial review of legislation.

Though the postulates; and the fictions resulting therefrom, which are embodied in the standard arguments or explanations for judicial review of legislation in the United States are not infrequently accepted in foreign articles and treatises without critical analysis,¹⁰ it is in these works that the defects of these arguments are examined, and that the striking discrepancies between political facts and political theories involved therein are exposed. The opposition to judicial review of legislation in Europe centers largely around three propositions. First, judicial review violates the theory of the separation of powers; second, judicial review establishes the supremacy of the judiciary; third, judicial review involves the courts in politics, with the result that acrimonious conflicts are sure to arise between the courts and the legislature or the courts and the people.

These propositions, as advanced by European jurists, may well be considered in the light of American legal reasoning and some of its implications. Whereas the doctrine of judicial review of legislation is regarded in the United States as a

154. Numerous doctors' dissertations accept and defend this method of reasoning.

⁹ F. C. S. Schiller, *Formal Logic: A Scientific and Social Problem* (London, 1912), 126.

¹⁰ Much of the discussion of judicial review of legislation in Latin American countries follows in detail the arguments or analyses found in the standard American treatises.

necessary requirement in the application of the theory of the separation of powers, in Europe such a doctrine is generally thought to involve a confusion, and not a separation, of powers. Building on the principle that there are only two great functions of government, namely, to make and to execute the laws, and that of necessity these functions must be carried out with the closest unity and coöperation possible, the judiciary is considered as a subordinate agency of these functions operating more directly under the control and direction of the executive department. To allow the courts to check either or both of the primary functions of the state is thought to make the judges masters over all of the agencies of government.¹¹ Instead of establishing through judicial review, as Americans contend, a government of laws and not of men, European jurists argue that it is precisely because law is supreme that the legislature is placed above the officers. Supremacy must reside in one department of government, and to European thinkers both reason and experience point to the legislature as the logical depository for supremacy.

American lawyers consistently insist that the question of judicial review of legislation does not involve a question of the supremacy of the judiciary. European jurists and statesmen, with few exceptions, are not favorable to judicial review, almost as consistently as Americans are. That the review of legislation by the courts necessarily places the judiciary in a position of supremacy. As these jurists see the matter, it is primarily a question of what men are to be charged with the duty of rendering final decisions, and from what class they should be selected—whether they ought to be exclusively jurists or primarily men engaged in political life.¹²

¹¹ The primary objection in France to acceptance of the principle of judicial review of legislative acts is, according to Jean Signorel, the French version of the theory of the separation of powers. "Le contrôle du pouvoir législatif," 40 *Revue Politique et Parlementaire* (1904) 77, 519, 525. Says he: "Such a doctrine [judicial review of legislation] is contrary not only to our separation of powers but also to the history of our institutions, our texts, and the spirit of our legislation." Cf. F. Larnaude, "L'inconstitutionnalité des lois et le droit public français," 126 *Revue Politique et Parlementaire* (Jan.-Mar., 1926) 181.

¹² "The decisive question is this. From what class should be selected the men

Realizing that the establishment of judicial review is ultimately a question of the determination of supremacy for many of the issues of politics and law, European publicists are examining carefully the hypotheses and procedure for the adoption or extension of judicial review of legislation.

Many oppose the review of legislative acts, either by a special constitutional court or by the ordinary courts, on the ground that the judges are likely to be influenced too greatly by the exigencies of partisan politics. "To annul a law," says Professor Hans Kelsen, is to establish a general norm; for the abolition of a law has the same character of generality as to make it, being, so to speak, only the making with negative action—hence a phase of the legislative function. A court, then, which has the power to annul laws is consequently an organ of legislative power.¹³

Judicial review of legislation, it is claimed, requires essentially the exercise of political authority by the judges, and necessarily involves the judges in the political conflicts of the time. Though judges are conceded to have a limited authority to make laws where the legislative intent is not clearly expressed, this authority is expected to be limited to correcting minor defects in the law and not to be extended to the determination of important political or economic issues.¹⁴

who exercise a supreme control in a country, and what should be their social training? Ought they to be exclusively jurists, or men engaged in political life? For there is a marked difference between the two classes. The traditionalist spirit is much more accentuated with the former than with the latter. We observe, then, in last analysis, a conflict between two great tendencies, which are characteristic of human actions;—on the one hand, a tendency which is conservative and traditionalist, and on the other hand, I would not call it a progressive tendency (for the question as to what is progress is not exactly determined), but a tendency to change, to seek the new." To the former class, it is observed, belong the judges, to the latter, legislators. Louis LeFur, 29 *Revue du Droit Public* (1922) 313, 314.

¹³ *Annuaire de l'Institut International de Droit Public* (1929) 94, and "La garantie juridictionnelle de la constitution," 45 *Revue du Droit Public* (1928) 197 ff.

¹⁴ The decision of a judge who acts as a law-maker "will always appear individual, arbitrary, and partial; it will not have the authority of law." J. Charmont, *La renaissance du droit naturel* (Montpelier, 1910), 189.

Referring to the functions of the Supreme Court of the United States, M. Larnaude observes that, in addition to the determination of ordinary suits, the court speaks to the country; it discusses the most important questions of legislation and of politics. Its decisions are often dissertations or juridico-political arguments.¹⁵

"With our temperament and our ideas on popular sovereignty," says Signorel, "we would not permit a body composed of nine or ten judges, however capable, to hold in check the will of the Chambers—that is, of the nation itself. An innovation of this kind would not be tolerated. Moreover, the question as to how the members of this court would be selected presents insoluble difficulties. . . . The judges are men; in giving to them the power to pass on the validity of laws, there is conferred on them a very dangerous weapon, the means for a ready participation in the political arena where they would lose very much of their authority, prestige, and freedom. In a democracy it is necessary in the highest degree to have the judiciary strong and respected, the judges being men honored for their professional attainments, their love of study, their wise moderation of desires and ambitions, independence of character, their firmness in supporting their opinions, and their pride of spirit. There is danger that these qualities would be sacrificed if the judge should be charged with the duty of examining the validity of laws, which always, or almost always, would be concerned intimately with political questions."¹⁶

In most European countries the rule prevails that the guardianship of the constitution belongs to the legislature, and, subject to a reversal by popular referendum or the election of a new assembly, the legislature determines the limits of its own authority and exercises control over the other depart-

¹⁵ "Étude sur les garanties judiciaires, qui existent dans certains pays, au profit des particuliers contre les actes du pouvoir législatif," 31 *Bulletin de la Société de Législation comparée* (Feb., 1902) 175.

¹⁶ "Le contrôle du pouvoir législatif," 40 *Revue Politique et Parlementaire* (1904) 534-536.

ments of government. The legislature not only exercises ordinary legislative authority, but is recognized as possessing constituent powers, or powers of an ultimate sovereign. Where this rule is accepted, a written constitution is regarded mainly as a document comprising groups of political laws which may with a peculiar degree of propriety and convenience be in charge of the political departments to interpret in the doubtful or critical cases that may arise. The well recognized dictum of American judges that there are certain questions of a political nature which the courts ought not to undertake to determine, and the settlement of which should be left with the legislative and executive departments of government, is extended so as to include practically all of the provisions of the constitution. The prescriptions of the constitution not being laws in the ordinary sense, as understood by judges in interpreting and applying their provisions, they cannot form the basis of a contention or case before a court. A controversy regarding the meaning of a constitutional provision is simply not a *justiciable controversy*. The basic hypotheses, therefore, on which the American constitutional structure is founded, that constitutions are laws in the ordinary significance of that term, and that a case or controversy involving an alleged conflict between a constitutional provision and a statute is necessarily subject to judicial cognizance, are repudiated as legally unsound and politically impracticable.

✓ The claim that a written constitution with limits on the powers of government, if not guarded and protected by the judiciary, becomes a mere "scrap of paper" and is not seriously observed appears to be disproved by the experience of countries with written fundamental laws and final legislative interpretation of the constitution. The constitutions of Belgium and Switzerland, though subject to final interpretation by the legislative assemblies, have seldom been changed merely by legislative interpretation or by a refusal to obey a constitutional requirement. The experience of these countries indicates that legitimate private rights and privileges are

likely to receive adequate protection without a judicial guardianship of the written constitution.

In dealing with the practice of judicial review of legislation, European publicists make certain distinctions which are seldom alluded to by American judges or constitutional lawyers. First, a distinction is recognized between formal and material unconstitutionality of laws. The consideration of the formal constitutionality of a law is a review of the process of enactment to discover whether the procedural requirements of the constitution have been complied with. This form of control over legislation is sometimes called a review of "extrinsic constitutionality."¹⁷ The test of the validity of a law in the material sense involves a review of the content of the law, or what has been termed its "intrinsic constitutionality." Judicial review of the formal constitutionality of a law is regarded as incidental to the ordinary processes of litigation, and frequently when other forms of review of legislation are denied to the courts, review of formal or procedural constitutionality is accepted as a necessary function in the interpretation and application of the law by judges.

French judges claim the authority to refuse to apply an ordinary law when the formal requirements provided in the constitution are not followed. Such requirements, for example, would cover instances where a law as passed by one chamber was approved in a different form by the other chamber; or where the law was passed without following the rule as to a majority vote; or where the passage in one or both houses took place outside of the regular, legal session; or where the law was not properly promulgated.¹⁸ It is generally

¹⁷ For limitations of this distinction, see Hans Kelsen, "La garantie juridictionnelle de la constitution," *Annuaire de l'Institut International de Droit Public* (Paris, 1929), 65 ff.

¹⁸ Maurice Hauriou, *Précis de droit constitutionnel* (2nd ed., Paris, 1928), 283. As to a failure to observe formal requirements which result solely from the violation of the interior regulations of the Chambers, the Court of Cassation maintains that the irregularity is covered by the promulgation of a law, and that, moreover, since the Chambers are sovereign, they can modify the procedure of their deliberations." *Ibid.*, 283, and Cass. Crim. 22, Oct., 1903. See Gaston

recognized that German judges have similar authority.¹⁹

Another distinction is made between review in the form of a direct annulment of an act, such as the disallowance of a statute in the self-governing English colonies or the administrative annulment of an executive ordinance (which is a common practice in European countries), and indirect review resulting from the refusal to apply a law in the course of an ordinary case or controversy before the courts of justice. Most foreign commentators who favor the adoption of the practice of judicial review of legislation desire the introduction of the indirect form of review as applied by American judges.

Certain deductions seem to be rather generally accepted in the discussion of judicial review of legislation in foreign countries. First, it is considered almost as an axiom that the definition and delimitation of powers in a federal system of government can best be entrusted to the courts. Federalism, with a written document distributing the powers of government, Professor Dicey insisted, means *legalism*—a legalism which presupposes a judicial body to serve as an arbiter or umpire. Today, few would undertake to dispute Dicey's dictum. With judicial review of legislation operating successfully in Argentina, Australia, Brazil, Canada, Mexico, Switzerland, the United States, and Venezuela, and with its recent acceptance by Austria and Germany as a method of establishing a balance of powers in federal systems, this phase of judicial review of legislation has come to be a significant feature of modern public law.

Second, in countries which have a unitary type of government there is a distinct trend toward the adoption of judicial review of legislation as a desirable means of interpreting finally and upholding the specific provisions of the written

Jèze, in 21 *Revue du Droit Public* (1904) 17; Laurent, *Principes de droit civil*, I, sec. 3; Laferrière, *Traité de la juridiction administrative et des recours contentieux* (2nd ed., Paris, 1896), II, 8, 9; *ibid.*, "Le contrôle juridictionnel des lois," 41 *Revue du Droit Public* (1924) 422 ff.

¹⁹ Gerhard Anschütz, *Die verfassung des deutschen Reichs vom 11 August 1919. Ein Kommentar für Wissenschaft und Praxis* (Berlin, 1926), 216 ff.

constitution. The theories and practice of legislative supremacy are still dominant in Europe, but they seem to be losing ground. Impressions regarding the failure of representative assemblies and the decline in the confidence of former years in the devices of popular control of public affairs furnish a fruitful field for the growth of doctrines supporting the "aristocracy of the robe."

Third, there is an insistent desire to place the protection of individual rights on a more secure basis than now prevails where the practice of legislative supremacy is a postulate of public law. Whether or not constitutions contain bills of rights, strong pressure is being brought to bear upon the courts to preserve and defend the fundamental personal and private rights of the individual. The detailed provisions favoring individual rights in the new constitutions adopted since the Great War are indicative of the prevailing impressions, and they predicate a basis for judicial surveillance of government conduct which is sure to make inroads upon the doctrine of legislative supremacy. The introduction of the English and American phrases "due process of law" and "the equal protection of the law" in recent constitutions, even though limited in their applications, shows a desire to adopt as a test of legality the principle of fairness or reasonableness which is the outstanding product of American constitutional interpretation.

Fourth, the doctrine of judicial review of legislation is gaining adherents in the persistent efforts to establish and sustain the rule of law as against unwarranted and arbitrary political action. Advocates of superior law doctrines conceived as above all law and as limiting the functions of the state, such as Duguit and Hauriou, turned to the judiciary for the effective application of their higher law principles. Duguit looked with admiration upon the work of the Supreme Court of the United States because he believed that, in its espousal of higher law doctrines through "due process of law," "equal protection of the laws," and similar phrases, it was applying the rule of

law, or *règle de droit*, for which he had contended during twenty years or more. Many jurists who are seeking a more secure basis for international law, and who find this basis chiefly in a modernized version of natural law, prefer to have the courts as the main expositors of this type of law. They, too, look favorably upon the application and extension of the practice of the courts in reviewing legislative acts.

Two tendencies are apparent in the consideration of the theories and practices in relation to judicial review of legislation in foreign countries. In the first place, the courts are to be accorded a supervisory authority over legislation, provided their decisions are confined to the express provisions of written constitutions. For courts passing on constitutional questions, "super-positive norms" of every kind, insists Hans Kelsen, must be rigorously excluded. A similar view was expressed by Raymond Saleilles, who favored the adoption of a limited form of judicial review in France, on the one condition "that it be restricted to rights which may not only be affirmed in the constitution, but also the meaning of which is strictly defined in their juridical contours and in the conditions of their application."²⁰ Some of those who are favorably inclined toward judicial review of legislation hesitate to urge its adoption or extension because they doubt whether judges can be prevailed upon to limit themselves to the application of the express provisions of written constitutions.

In a volume of essays inscribed to Maurice Hauriou, Edouard Lambert reviews the decisions of the Supreme Court of the United States relating to constitutional questions for a period of four years and comments on the methods by which the United States has secured what Justice Sutherland has called "a tempered democracy." In the process of judicial interpretation, as Lambert sees it, there has been engrafted, by means of the Fifth and Fourteenth Amendments, upon the political constitution as drafted in Philadelphia an *economic-judicial* constitution. Differing from Hauriou, he doubts

²⁰ 31 *Bulletin de la Société de Législation comparée* (1901-2), 240.

whether it would be advisable to undertake to transplant the American plan of judicial review to French soil. He says: "Our courts of justice have accustomed themselves for more than a century to abstain from exercising the prerogative of the judiciary which resulted in the American control over the constitutionality of laws, and this absention has acquired for them the force of a constitutional custom. It is scarcely probable that they would break with this practice without being instructed to do so by a constitutional law which should, undoubtedly, give them some directions for the accomplishment of a task for which they have become unaccustomed. Would it not be possible to prescribe rules which would be less flexible than those which are recorded in our Declaration of Rights, the counterpart of the Fifth and Fourteenth Amendments to the Constitution of the United States? Would it not be possible to regulate the mechanism of a French control over the constitutionality of laws in such a way as to require the courts to open wide the door to the constitutional protection of intellectual interests, . . . but also to close the door, or at least to open it only very discreetly, to the 'economic interests,' which have much less dignity and which would try to enter first? Would it not be possible to find a filter for the constitutionality of laws which would permit the passage into the sphere of super-legality of the liberty for each one to conform his life to his belief or unbelief and of all the other forms of the freedom of thought—including the liberty of political opinion for the defense of which Justices Holmes and Brandeis have so fruitlessly fought on the bench of the Supreme Court of the United States—but which would keep back in the sphere of normal legality the liberty to do business, the liberty to earn money, and so many other liberties which are sufficiently provided for—perhaps too much so—and which can defend themselves in the parliamentary domain?"

Later, Professor Lambert observed: "I still think that your control over the constitutionality of laws, in the form in which it is actually functioning in America, cannot be trans-

ferred to Europe. But now I believe that it would be desirable to find means by which there could be organized in France a constitutional guarantee of individual rights which could function under the form that Justices Holmes and Brandeis wish to see it function, but without running the risk of taking on the form that the majority of your Supreme Court has given it. Can this ideal be realized? I doubt it. Is it not the squaring of the circle? I wonder."

In short, these authorities believe that judges may become satisfactory guardians of constitutions and of the individual rights therein guaranteed, provided their decisions are confined to the definite and express language of written instruments. But there is serious doubt whether the judges would confine themselves within these narrow boundaries.

In the second place, the exponents of superior principles, or superior laws, which are supposed to serve as guides and to fix limits for public authorities believe that their doctrines of legitimacy may preferably be left to the courts for interpretation and application.²¹ Above the body of the laws, claims Hauriou, there are superior principles which proceed from the fact that law is an organized system. The body of private law contains such principles and the judges apply them daily, whether they are or are not formally expressed in the texts. Similar principles ought to be in the body of public law.

In the United States, the control of the constitutionality of laws confided to the judges has progressively developed the conception of an absolute legitimacy of the individualistic principles of the old Anglo-Saxon common law. In France also there are a number of fundamental principles which constitute a "constitutional legitimacy" placed above the written constitution and far more above the ordinary laws. Without speaking of the republican form of government, for which there is a text, there are other principles for which there is no need of a text. Though the constitution of 1875 does not

²¹ Hauriou, *Précis de droit constitutionnel* (2nd ed., Paris, 1928), 268 ff.

contain a bill of rights, this silence, which has embarrassed authors influenced by the narrow conception of a written constitution, ought not to concern us. These principles of our public liberties are in full effect as a part of the *légitimité constitutionnelle*.²²

The control over the constitutionality of laws, Hauriou believes, should not be limited to legislative acts; it ought to extend to amendments to the constitution. The American judge is placed distinctly above the constitutional law because for him there are above the Constitution itself a group of superior principles which are a part of natural law, and which form a *légitimité constitutionnelle* to which the written constitution itself must conform.²³

Speaking of "government by judges" as characterizing the American practice of judicial review of legislation, Duguit observes: "It is not exact. One cannot say that American courts of justice, even the Supreme Court, are truly associated with the government. It cannot be said that they exercise in a true sense control over Congress, or that they can exercise a sort of veto of laws passed by this chamber. . . . The Supreme Court, following the expression of Larnaude, does not pass upon, to speak accurately, the process of the making of a law. It gives a decision to a particular litigant, but this decision requires that the court decide on the constitutionality of the law. Evidently, constitutionality is considered in this large sense; and the Supreme Court should not be blamed, on the contrary, for refusing to apply not only the laws which violate a written rule of the constitution but also a fundamental principle of American law. The court recognizes and sanctions a superior law (*droit*) as defining limits for all

²² Hauriou, *Précis élémentaire de droit constitutionnel* (Paris, 1925), 82, 83. Hauriou asserts: "It is an error to believe that the *superlégalité constitutionnelle* comprehends only that which is written in the constitution; it comprehends equally other things, as for example, all the fundamental principles on which governments are founded. . . . These principles constitute a sort of *légitimité constitutionnelle*, which has force over and above the written constitution."

²³ Hauriou, *op. cit.*, 88.

legislation, the existence of which I have often affirmed. To their honor, American jurists are unanimous in recognizing the existence and force of such a superior law."²⁴

If there are fundamental principles of the social order which condition all law-making and law-enforcement, the judges may be regarded as the chief custodians of these principles. One point of view would give the judges a quite narrow field in which to operate, and the other would grant them greater authority than they exercise in any country. But the broad judicial review which foreign commentators favor would be, so far as the review of statutes is concerned, a relatively unimportant feature of most foreign governmental systems.

The prospects for the continuance and extension of the practice of the review of legislation by the courts are encouraging for those who desire Justice Sutherland's "tempered democracy." In the United States the doctrine of judicial review appears firmly established and receives the active support of a majority of the people. Certain countries have adopted, and apply with variations due to different systems of law and diverse local conditions, the main features of the American system of review. This is particularly true of Latin American nations, some of which, such as Brazil and Argentina, are applying the traditional principles of public law which have become embodied in the American doctrine of judicial supremacy. Undoubtedly there is a disposition to accept the principle of judicial review of legislation in jurisdictions which have not thus far recognized it. The adoption of judicial review, however, is likely to result in rather unsubstantial checks on legislative powers unless fundamental changes in public law and in legal theories accompany the change. The elaborate provisions in constitutions and statutes for the writ of *amparo* in certain Latin American countries bear witness to the fact that formal legal provisions along this line may have little effect on public administration.

European practice tends to disapprove the policy of per-

²⁴ *Traité de droit constitutionnel* (Paris, 1923), vol. 3, pp. 678, 679.

mitting an individual to challenge the constitutionality of an act; on the other hand, public authorities engaged in the enforcement of the law, when there is doubt as to its application in an individual case, are encouraged to apply for a ruling on the issue of unconstitutionality. Considerable use of advisory opinions on constitutional questions is made in the new German constitutional system, in order to avoid the long delays and great inconveniences resulting from uncertainty as to the constitutionality of an act.²⁵ And the strengthening of the judiciary is looked upon as the only means by which the German constitution will be respected and obeyed.²⁶

Judicial review of legislation in foreign countries, then, is usually limited in scope by designating certain courts as the only ones before which a statute may be impugned, by restricting the procedure through which a case may arise in which the validity of a statute is questioned, by confining the attack on statutes to representatives of the government concerned, and by rendering the reversal of a judicial decision relatively easy through the course of constitutional amendments or referenda.²⁷

But certain factors must not be lost sight of in an appraisal of the tendencies to accept current ideas in relation to judi-

²⁵ Johannes Mattern, *Principles of the Constitutional Jurisprudence of the German Republic* (Baltimore, 1928), 257 ff. According to Kelsen, the chief objection to the *l'exception d'inconstitutionnalité*, or the American plan of judicial review, is the uncertainty and the insecurity of the law which necessarily results from such a practice. *Annuaire, op. cit.*, 199.

²⁶ "Our republic cannot continue to exist if the power of the judiciary, as compared with the legislative and executive powers, is not given a stronger position and greater jurisdiction than heretofore. The foundations in this respect have been laid by the constitution of Weimar; they need only be developed. But the fact that our Parliament, year after year, enacts laws which change the constitution, without even realizing the changes thereby enacted, and that the executive resorts to emergency measures, for which in many cases there is no foundation in the constitution, presents a condition which should not be allowed to continue further." "German Chief Justice [Walter Simons] on U. S. Constitution," 12 *Amer. Bar Assoc. Jour.* (June, 1926) 379.

²⁷ For a discussion of bills to regulate judicial review in Germany, see Grau, "Zum Gesetzenwurf über die Prüfung der Verfassungsmässigkeit von Reichsgesetzen und Reichsverordnungen," 11 *Archiv des öffentlichen Rechts*, N. F. 287.

cial review of legislation. In the first place, Canada and Australia, though adopting some of the main features of judicial guardianship of their constitutions, rejected the phases of the American plan which have given the courts the widest latitude and have called forth the highest praise of judicial censorship of legislation in the United States. When the supreme court of South Africa undertook to assert the American doctrine, the judges were severely rebuked by the legislative and executive departments; and the new constitution expressly provides for the principle of legislative supremacy in interpreting the provisions of the fundamental law. The reservation of the right to request leave to appeal to the Privy Council only slightly affects the dominant position of the legislature.

The Irish constitution makes provision for judicial guardianship of the constitution, but the reversal by the Irish legislature of a decision of the Judicial Committee of the Privy Council will probably result in an attitude of great caution on the part of judges in their attempts to check legislative dominance in Ireland.²⁸ A similar rebuff to the Privy Council by the Quebec legislature does not augur well when nationalist sentiment gains greater headway in Canada.²⁹ A decision of the Privy Council which apparently has changed the method of interpreting the distribution of powers between the provinces and the dominion has aroused an opposition which must be seriously considered in the future development of this phase of Canadian law.³⁰

As the principle of judicial review of legislation has been accepted and applied in many countries, and the practice of

²⁸ See *Wigg v. Attorney-General of Irish Free State* (1927), A. C. 674, and act of the Irish Parliament, No. 11, 1926.

²⁹ Taking advantage of a mistake made by the Privy Council in *Cotton v. King* (1914), 1 A. C. 176, Quebec passed an act declaring that the provisions pronounced void by the Privy Council as indirect taxation had been and were in the future to be considered direct taxation, and hence valid under Sec. 92 of the British North America Act. See 4 and 5 Geo V. C. 11, and A. B. Keith, *Imperial Unity and the Dominions*, 375.

³⁰ See, "Law and Custom in the Canadian Constitution," *The Round Table*, No. 77 (Dec., 1929), 143.

declaring acts void has become more common, it has been regarded less necessary to maintain the fictions which have characterized the adoption and development of judicial review in the United States. The contention is often reiterated that the courts do not invalidate acts, they merely decide cases; but it is no longer necessary to be so insistent on this dictum. Though the courts merely refuse to apply a law in an individual case, every one understands that further enforcement of the law is practically impossible.³¹ Austrian commentators speak of an act annulled by the court as disappearing from the juridical order as if repealed by a subsequent act.

The tendencies of judges to enlarge their jurisdiction and their natural inclinations to frown upon innovations in the realm of legislation lead either to skepticism or confirmed opposition to judicial review of legislation on the part of those who wish to secure a relatively free and untrammelled carrying out of public policies in the field of law.³² There are many

³¹ See comments of Walter Simons in "German Chief Justice on U. S. Constitution," 12 *Amer. Bar Assoc. Journal* (June, 1926) 378. "An act which violates the constitution has no power and can, of course, neither build up nor tear down. It can neither create new rights nor destroy existing ones. It is an empty legislative declaration without force or vitality. . . . As applied to this case, it began and ended as a futile attempt by the legislature to bring about a change in the law which a previous legislature had enacted." Justice Butler, in *Frost v. Corporation Commission*, 278 U.S. 515 (1929). Constitutional justice appears, more distinctly than other branches of law, the product of jurisprudence. The court, in reality, completes and interprets the constitution more than it applies it, in the sense that one generally attaches to this word. It does not say what the law is, it makes it. But an essential characteristic distinguishes the constitutional legislature: it cannot give an authentic and obligatory interpretation of the constitution, and it cannot decide abstractly; it can only decide concrete cases. It cannot determine general norms, but an individual, or rather a concrete, norm. Eisenmann, *op. cit.*, 216.

³² "The system of control by the judges over the intrinsic constitutionality of laws would be very dangerous in France if the theory developed by certain modern authors concerning the constitutional character of a great number of general principles, more or less vague, were adopted. There is no law, social, fiscal, academic, or religious, which could not be disapproved by subtle judges on the ground that it violates a fundamental principle of French law [*droit*]." Gaston Jèze, "Le contrôle juridictionnel des lois," 41 *Revue du Droit Public* (1924) 421.

who agree with Lord Birkenhead's observation that he had "become conscious of the dangerous and unprogressive conservatism of the legal profession, of its rigidity, and of its unadaptability to new and perhaps necessary and beneficial advancements." Hence the progressive and radical groups oppose the principle of judicial review of legislation; they foresee only obstructions to progress through a device which places conservative-minded judges as the chief guardians of the Constitution.

As in the period of the adoption of the American doctrine of judicial review, the anti-democratic groups are foremost among those who wish to check the enactment of the popular will into law.³³ These groups have now gained powerful allies in jurists and statesmen who believe that they see in the adoption of judicial review of legislation the possibility of the application of the principles of Magna Carta—the American and English concepts of the rule of law—to national and international life.

The thin veneer of fact which enshrouds the postulates or assumptions used as a basis for the American doctrine of judicial supremacy has been misleading to many who have had no opportunity to evaluate the modern development of judicial review in the United States. But a new school of jurists, comprising able students of comparative law, are forming more accurate judgments regarding American conditions. Either they are less dogmatic regarding the advantages of judicial review or they frankly doubt the advisability of the adoption of such an undemocratic device under existing political conditions.³⁴

Foreign jurists and commentators, moreover, are not so likely, as was the custom formerly, to repeat the standard postulates and fictions of the American bench and bar. They

³³ Throughout the arguments favoring judicial review in foreign countries there is a distrust of legislatures which was characteristic of the period when the American doctrine was in process of adoption.

³⁴ See especially Edouard Lambert, *Le gouvernement des juges et la lutte contre la législation sociale aux États-Unis* (Paris, 1921).

are disposed to question the advisability of vague phrases in written constitutions, which by means of judicial review of legislation may be interpreted by the judges so as unreasonably to restrain the exercise of public authority. They protest against a system which places the judiciary in conflict with the legislature on some of the most irritating questions of a changing political and economic order. And they do not wish to see established in their countries the unique combination of business men and the legal profession, as it operates in America to preserve the *status quo* and to protect business interests against public regulation and control.

THE TEXAS-MEXICAN AND THE POLITICS OF SOUTH TEXAS¹

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I. BELOW THE NUECES RIVER

Politics has been referred to by a recent writer as a "great game," which, it may be added, is played ordinarily, not in a political vacuum between a majority and an opposing minority, but rather by groups organized on an economic, social, religious, or racial basis, which coalesce with each other and fall apart only to make new combinations. This process may readily be seen if one turns the telescope on the national political firmament, but it cannot be understood in the minutiae of its ceaseless activity unless the microscope be applied to relatively small localities. The state of Texas, because of its wide extent and consequent variations of social and political phenomena, presents an admirable laboratory for this microscopic method of attack. It is proposed here to apply this method to a particular political section of Texas which has recently attracted some attention.

The section referred to is that extreme southern portion of the state lying, in general, south of the Nueces River and east of Laredo, embracing thirteen counties and aggregating in area some 18,000 square miles. There are a number of reasons why it merits attention. The first and foremost is that the major element of its population is Mexican in race, but to a large extent American born. Many of these Mexican-

¹ This study is based almost entirely upon a personal investigation conducted by the writer in the region described during the past two years. The thirteen Texas counties considered were visited and a number of them studied intensively. Numerous interviews with informed persons of all classes and careful personal observations were the chief sources of information. Subsequent footnotes indicate other sources. Interviews and persons interviewed are not cited except in one or two instances, because they were too numerous and because in some instances it is inadvisable to cite names.

Americans are descendants of the first settlers. It was rather the Anglo-American who was the newcomer. Obviously, therefore, the usual process of racial adjustment has been somewhat reversed. The American found the Mexican, and it was the Mexican to whom he to some extent adjusted himself.

A second point of interest is the fact that this section constitutes a surviving remnant of that almost vanished entity known as the American frontier. Acquired by Texas and the United States by the treaty of Guadalupe Hidalgo, it remained for sixty years beyond the path of rapid settlement and so-called Anglo-Saxon progress. Between 1850 and 1910 its population increased very gradually. Only within the past twenty years, and more particularly the last ten years, has much modern development been under way. Corpus Christi has become a deep-sea port, Laredo has benefited from an increasing trade with Mexico, and Brownsville has become the chief city in a rapidly expanded irrigation area which has thus far been extended some sixty miles west along the Rio Grande, although penetrating not far northward. Here and there over the region slower developments are under way, either because of the building of railways or of the success of experiments in dairying or agriculture. The Lower Rio Grande valley, as the irrigated section is called, has seen the most spectacular advance. There semi-arid waste land has been converted into citrus orchards and vegetable gardens and a string of bright new towns and cities have grown up. To these improved portions have come thousands of persons from other parts of Texas, the South, and the Middle West, as well as immigrants in increasing numbers from Mexico. Many of the latter, however, are merely transients, attracted by the opportunities for seasonal labor. Lastly, the region is interesting because there is being tested out a problem which recently has caused wide concern, namely, the ability of the Mexican to become assimilated.²

² See *Hearings Before the Committee on Immigration and Naturalization, House of Representatives, Hearing No. 70.1.5, February 21-April 5, 1923.*

The political implications of such a situation will be apparent, even to one who is not in any degree familiar with the region. Here are conditions at once old and strikingly modern. Here have met the Anglo-Saxon and the Mexican, the Northerner and the Southerner, and here are to be found such varying interests as cattle raising, cotton farming, and fruit and vegetable growing, to say nothing of trade and commerce, much of which is with a foreign country close at hand. The actions and reactions of these racial and sectional elements, and of these economic interests, furnish basis for most instructive social and political studies.

II. POLITICAL ORGANIZATION AND LEADERSHIP, 1850-1910

According to the census of 1850, which was taken soon after the territory under consideration was acquired, there was a population of some 9,000 persons, largely Mexicans, most of whom lived on ranches or in towns and villages near the Rio Grande.³ They held title to a good share of the soil in the southern part, through Spanish or Mexican land grants. By the terms of the treaty of annexation, these people were collectively naturalized,⁴ but for long years they were separated from the other settlements of Texas to the north by the vast barren wastes of cactus and mesquite which lay between. All continued to keep their faces toward the towns and settlements of Mexico, which were within sight of the American bank of the Rio Grande. For the most part, they were a simple, peaceful, ignorant, herding people, scarcely conscious that their country had changed hands and that they owed allegiance to the "Colossus of the North." They had little conception of such things as sovereignty, allegiance, and citizenship. They were race conscious, no doubt, but only dimly appreciative of any conception of nationalism, and were certainly not used to local government in the American sense.

³ *Seventh Census of the United States: 1850, Statistics of Texas*, Table I, pp. 494-5.

⁴ *Treaty of Guadalupe Hidalgo*, Arts. 5-9. *Senate Executive Document 52, 30 Cong., 1 Sess.* (Washington, 1848).

From time immemorial they had given obedience to the head of the family, but more particularly to the head or overseer of the ranch. Moreover, they were content to remain where they were. Hence, as the family grew, the additional members usually stayed on, occupying the original grant, which was held together and parcelled out in some sort of fashion, with perhaps little or no record except that carried in the head of the "old man" of the clan, where was apt to be stored also the family history. These facts are significant in view of the coming of the white-faced Americans, who were soon to arrive in some numbers.

Immediately after Texas acquired the region, it was divided into four counties, namely, Nueces, Cameron, Starr, and Webb.⁵ The last three fronted on the Rio Grande and included all but 500 of the 9,000 people enumerated in 1850.⁶ Americans filtered in slowly over a period of sixty years. By 1880 the counties had increased to eight and the population to 50,000.⁷ Most of this growth, however, represented a natural increase of the inhabitants of Mexican extraction, together with immigration from Mexico. The 50,000 was doubled only by 1910.⁸ The first Americans who came in were of all sorts; too many of them perhaps were adventurers who by one means or another wrested land from the original inhabitants when the latter could produce no parchment titles or definite boundary lines. Many, however, were not unfair and paid something like a legitimate price for the land they acquired. Some larger Mexican landholders, moreover, remained undisturbed in the possession of their patrimonies. At any rate, the land was poor and largely worthless, and much was needed for raising cattle.

⁵ *Map of the State of Texas*, by J. H. Young, published by Cowperthwait and Co., Philadelphia, 1853.

⁶ *Seventh Census of the United States: 1850, Statistics of Texas*, Table I, pp. 494-5.

⁷ *Statistics of Population of the United States at the Tenth Census (1880)*, Table II, pp. 78-81.

⁸ *U. S. Census Report*, 1910, III, pp. 804, et seq.

The cattle barons inevitably established themselves as lords protector of those Mexicans who became their tenants and ranch hands, the resulting relationship being essentially feudal. This feudalism was economic, social, and political. Not that it was usually bad; it was inevitable, and many of the landholders were benevolent patriarchs. In becoming masters they were forced to adjust themselves to the Mexican inhabitant. They learned Spanish and acquainted themselves with the Mexican's psychology, traditions, and habits. In the process, they were themselves in a measure Mexicanized. The whole relationship was natural and was not necessarily resented by those who submitted to it; most of them had never been used to anything else, either in Texas or in Mexico. But it was not a system designed to hasten their advancement. It allowed for little in the way of general education or education for citizenship. The Texas-Mexican remained a Mexican in his own eyes and the eyes of his master. He learned little of and cared less for the state or federal commonwealth to which he had become attached. Like the medieval peasant, whose conceptions of the distant king and more distant emperor must have been rather hazy, this Mexican knew only his locality. The only ruler he knew was his local chief. If he were guilty of criminal offenses or became embroiled in a dispute, the chief knew simple ways to fix things up, short of the tedious grindings of the law, which, indeed, were not much in evidence.

From a political standpoint, it may readily be seen that this inhabitant of Mexican extraction was scarcely prepared for the usual frontier type of Jacksonian democracy. Counties, of course, were established at the start, and judicial and legislative districts had to be created. Thus there were elections to be won and offices to be filled. The Mexican, knowing little about the privileges or duties of sharing in the sovereign will, and desiring only to accede to the wishes of his chief, naturally allowed his hand to be guided in marking ballots for presidential, state, and other candidates. If he was conscious

at all of what he was doing, he was aware only of voting for his local boss. Landholders who were interested in politics could easily herd their tenants and laborers on election day and bring them in to the polling place with banners flying.

If this voting strength was to be utilized for more than local purposes, however, some form of united organization had to be effected. There were outstanding persons who were interested in partisan organization, and before long the Democratic party, at least, was well established throughout the area under the general leadership of one man. After the Civil War the Republicans were able in certain localities to divide the vote, and bitter fights sometimes ensued between the local Reds and Blues, the names by which Democrats and Republicans were known. But in the main the Democratic party, under more able leadership, established its supremacy.

Only the outlines of the history of party organization are as yet available. The early organizing genius of the Democrats seems to have been Colonel Stephen Powers, who was born in Maine and trained in the law in New York, where he became a friend and supporter of Martin Van Buren. After being in the diplomatic service for a time, Powers joined the army at the outbreak of the Mexican War and went to Texas as the colonel of a New York regiment. He seems to have become so enamored of the south Texas country that, after being mustered out at Brownsville, he decided to remain.

Here was a pasture, therefore, which appealed to this disciple of Van Buren, from whom he must have learned something of politics. In fact, the New York Democracy had been dealing politically with a non-American population since the infancy of Tammany Hall. If the sons of Irish peasants could learn to use the ballot by the short and direct method, why could not these simple and primitive descendants of the Aztecs? The methods of the teacher might have to be altered, but the principle remained the same. Not that it had to be done in a corrupt way; only occasionally had Tammany Hall itself been corrupt. Like the Irish, these people simply needed

a friend and protector, and Powers speedily assumed that rôle. As a lawyer, he could render them assistance, particularly when newcomers undertook to occupy their land and appropriate their cattle, or, as a lawyer, he could ease them into believing that perhaps they never really owned the land or the cattle. On the whole, he seems to have dealt as fairly with both Mexican and newcomer as frontier ethics demanded, and he was able gradually to build up a tremendous influence over both Americans and Mexicans in the entire region below the Nueces. In fact, before his death he had carved out an empire of influence in which he was the dominant force. And the control thus established by no means died with him.⁹

In 1878, four years before his death, Powers made Jim Wells, at that time a young man, his partner.¹⁰ Wells proved thoroughly capable of assuming the mantle of Powers, both in the rôle of lawyer and in that of politician, and he continued the Powers tradition and held together the Powers empire from the latter's death in 1882 until 1920, when his power was largely broken. Other leaders developed, and local politicians established control in various counties; but they owed their rise to Wells, and they kept up their allegiance to Wells until his political downfall. Wells died in 1922.

Wells's power in certain localities, and particularly in his own personal bailiwick of Cameron county, was based upon his ownership of large tracts of land. Elsewhere over the region his leadership was personal, due in part to his professional connections with certain great landholders, but also to the fact that he early made himself well known to all the old Mexican families throughout the territory, which during the greater part of his reign constituted the vast majority of

⁹ This account of Colonel Powers is based upon an interview with a competent student of the history of the locality.

¹⁰ Wells's mother's family were Northerners who had settled in Matamoras soon after its founding in 1823, where they retained their American citizenship, moving into Texas after the Texas Revolution. His father's family were Southerners. Wells himself was educated at the University of Virginia, and his sympathies and prejudices were Southern. He had lived through the Reconstruction period and was a Democrat of the old school.

the population. These families knew him not as a boss but as a type of patriarch. They accepted him as a leader and a friend. They invited him to their social and family gatherings. He stood sponsor at baptisms; he attended innumerable weddings and funerals. The inhabitants recognized him as their supreme leader socially and politically.

Moreover, when in the late eighties a great drouth swept over the country and the people were starving, Wells was prompt to organize relief, obtaining money and help from upstate; and he, more than anybody else, was responsible for carrying the inhabitants through. This, above all other things, helped to establish his supremacy. From this time forth, his rule was thoroughly personal, and for many years it was unassailable.¹¹

On one occasion, Judge Wells, as he came to be called, expressed himself at length on the nature of his leadership. "The Mexican people," he said, "if you understand them, are the most humble people you ever knew. . . . They are largely like Indians in that respect. Their friendship is individual. For instance, you have a great many friends among them, and they would follow your name and your fortunes, and that is the way it is. . . . I suppose they [the King ranch people] control 500 votes, and they go to the major domos, and they go to Mr. Caesar Kleberg and to Robert Kleberg, and to Captain King—while he was living—and ask him whom they should vote for. The truth is, and very few people who don't live in that country know, that it is the property owners and the intelligent people who in that way do really vote Mexicans, and that is the truth about it, and any one who has lived there can see the worth of it, and they know it." The Kings, he continued, ruled "through friendship and love. The Kings have always protected their servants and helped them when they were sick and never let them go hungry, and they always feel grateful, and it naturally don't need any buying

¹¹ The facts regarding Wells were collected from interviews with a number of persons who knew him or were personally associated with him.

or selling or any coercion—they went to those who helped them when they needed help. Now you go into towns, and you find a few men that can be debauched with liquor, or what we term pulque, but you have no idea how in real truth—how completely few that sort of an element is. And then the Mexican naturally inherited from his ancestors, from Spanish rule, the idea of looking to the head of the ranch—the place where he lived and got his living—for guidance and direction. It came legitimately and naturally from Spanish rule—that idea did.”¹²

When asked upon one occasion whether or not he was a political boss, Judge Wells replied in part as follows: “. . . . So far as I being boss, if I exercise any influence among these people [it is] because in the forty-one years I have lived among them I have tried to so conduct myself as to show them that I was their friend and they could trust me. I take no advantage of them in their ignorance. I buried many a one of them with my money and married many a one of them; it wasn’t two or three days before the election, but through the year around, and they have always been true to me; and if it earned me the title of boss, every effort and all my money went for the benefit of the Democratic ticket from president to constable; and if that is what earned it, I am proud of it. . . .”¹³

As 1920 approached, Wells’s unified power, however, was broken. Conditions were becoming too diverse for one person to keep the whole area under complete control politically. Wells, too, was growing old. He knew the old game, but he could not cope with the new people and the improved conditions, already noted in parts of the region, to which, it may be said, he had often been opposed. He had always worked through local leaders in other counties, whose power was based upon their local control of Mexicans as was his own in

¹² *Testimony of James B. Wells, Glasscock v. Parr, Supplement to the Senate Journal, Regular Session of the 36th Legislature (Texas), 1919, Austin, 1919, pp. 846-851.*

¹³ *Ibid.*

Cameron county. The break came with his own dethronement in that county. The system continued locally, in a number of the counties, and a spirit of coöperation between the local oligarchies in important political matters continued to operate, and operates today. The time had passed, however, when one leader could dominate the whole region.

III. THE NEW POLITICAL SITUATION AFTER 1910

The decline and fall of the Wells domination coincided with the beginnings of that rapid progress after 1910 in certain parts of South Texas already noted. Into country largely populated by inhabitants of Mexican extraction came many settlers from other parts of Texas and from beyond the state, with the result that in certain counties the old ranching economy and the old system of political control based upon it were partially displaced. A population which in 1910 totaled 100,000 grew to 170,000 in 1920, and during the next eight years to 326,000.¹⁴ During this time the number of counties was increased to thirteen. To a considerable extent, this growth was confined to four counties—Cameron, Hidalgo, Nueces, and Webb. Most of the irrigation improvements were made in the first two. From 1920 to 1928 these two counties doubled their population. Nueces and Webb counties owed much of their growth to the rapid advance of Corpus Christi and Laredo as ports. In Cameron, Hidalgo, and Nueces counties, the density of population now ranges from forty to sixty persons to the square mile, and the proportion of the Mexican element is now greatly reduced, although in every case it is still above fifty per cent. Due to the great size of Webb county, its previous sparseness of population to the square mile was not considerably changed. Both this county and the city of Laredo have a population which is seventy-six per cent Mexican. Four other counties—Kleberg, Jim Wells, Brooks, and Willacy—increased to a less extent between 1920 and 1928.

¹⁴ *U. S. Census Report*, 1910, III, pp. 804 et seq.; *Texas Almanac* (Dallas, 1929), pp. 50-53.

The remaining five counties of the thirteen—Jim Hogg, Duval, Starr, Zapata, and Kennedy—experienced little growth after 1910; the last three named, in fact, remained stationary and have at present, respectively, 8.2, 3.5, and 0.8 persons to the square mile.¹⁵ The four counties last named are now the most distinctively Mexican of all. Their people are from eighty-five to ninety-five per cent of Mexican origin, and to a large extent Texas-born.¹⁶

Thus, in traveling from county to county, one meets with a variety of aspect and condition.¹⁷ Strong contrasts exist even in a single county, and the Mexican element may be observed in all stages of development. The new so-called Anglo-American settlers have changed the social and political complexion wherever they have gone in any number, but in the backward areas conditions remain practically as they have been for many years. To understand the present political situation, therefore, it is necessary to analyze all classes of the population and to compare briefly some typical localities which stand out vividly in contrast with each other.

Almost everywhere, of course, one finds the older American element, who have exercised political, economic, and social control in the past and to a large extent still do so. Some of these people have been opposed to the new developments; others have encouraged them and have profited greatly by them. For the most part, however, they desire to maintain the old political order, which they can do in any county provided the Mexican-American voter remains in the majority or remains numerous enough to be used as a balance of power, and provided also that he remains loyal. These Americans have a large part of the wealth, as represented both in land

¹⁵ *Texas Almanac*, pp. 50-53.

¹⁶ The land is also held largely by persons of Mexican origin. In Zapata county, ninety-eight per cent is so held; in Starr county, eighty-nine per cent; and in Duval county, eighty per cent.

¹⁷ The few towns in the backward counties are distinctively Mexican. Zapata, the county seat of Zapata county, was founded in 1770, and English is scarcely understood there. All of Zapata county's officers are of Mexican extraction.

and in the newer types of investment. They know the ways of the country by long experience; and, above all, they know the inhabitants of Mexican extraction, the great majority of whom are still attached to them by many very definite ties. These "old timers" also know the peculiar Mexican psychology, and thus can retain by love, respect, or fear, or a combination of all three, the allegiance of that element.

In the less developed counties, where the inhabitants are mostly of Mexican extraction and where the land is still held by a few owners, the old order continues largely intact. These counties are in essence pocket boroughs in which local and state primaries and elections go almost to a man in favor of one faction or party. Occasionally, of course, in such counties the leadership has been divided and a division of the so-called Mexican vote has resulted. But such a situation has seldom continued for any length of time. Either the rival leaders have formed permanent coalitions in a peaceful fashion, or, as has been true in a number of instances, political antagonisms have led to violence at elections, with the result that sooner or later one faction was successfully silenced. In the more developed counties, furthermore, there are still many voting precincts which are almost exclusively Mexican, and recent instances might be cited of their returning a solid vote for a particular ticket.¹⁸ Thus, tremendous power still remains in the hands of a few—a condition which, if the few be unscrupulous, is obviously dangerous. It may be said, however, to the credit of most of the wielders of such power that their motives have not been corrupt. The paternalistic note is dominant.

The outsider who hears of this political situation for the first time, and also the new settler, is prone to condemn it. But as one intelligent and rather philosophical Mexican-American expressed it in a conversation with the writer, in which he referred to the county oligarchy: "This crowd understands the Mexican-American psychology far better. What

¹⁸ *Supplement to the Senate Journal, Regular Session of the 36th Legislature, (Texas) 1919.*

may the Mexican-American expect from the new Anglo-Saxon settler? He doesn't understand him; he has scarcely visited his little old towns; he looks upon him as ignorant—perhaps *Mexican*. In fact, he fails to distinguish between Mexican citizens and Mexican-American citizens on the one hand, and also between classes of Mexicans. Judging by the way the best live in the country, at least the material standards of all are lower than those of an Anglo-American working man. But there are class feelings and class distinctions among them, and much native intelligence which, with a better sort of education, suited to them, could be developed." The new people, the same witness went on to say, have in many instances, because of their prejudice or ignorance, subjected the Mexican to indignities and discriminations of which the older Anglo-American element would not think. There are many incidents also, he contended, of Mexican-Americans being tricked into signing away their land by the new promoters. The old crowd, while controlling them and treating them harshly at times, has none the less protected them; and our informant concluded that if the politicians of the old school can only learn a little more of the technique of "intelligent bossism," they may hope to retain their political control.

No doubt, in most instances the recently arrived Anglo-Americans of whom this man spoke, and who are concentrated in the improved areas, were persons of moderate circumstances where they previously dwelt. They were induced to migrate by visions of making their fortunes—visions in many instances implanted in their minds by aggressive land agents. Their immigration has built up the country, and some have accumulated worldly goods. Many, however, particularly in the irrigated area, have been hit by high taxes, have been heavily in debt for their land and improvements, and have occasionally suffered from adverse weather conditions and consequent bad crops. In the main, these new settlers carried with them the traditional ideas of local government and politics found in such states as Minnesota, Iowa,

and Kansas. To be confronted, therefore, with the form of political control existing in South Texas at first dazed them, and, then, as misfortunes multiplied, disgusted them. They began to talk about county rings and to condemn the Mexican-Americans as ignorant tools in the hands of bosses, who thereby were able to perpetuate their tyranny.

During the last two years, the newcomers in Hidalgo county have been engaged in a bitter struggle to wrest the reins of power from the alleged county ring and to destroy the old régime root and branch. This so-called ring, they contend, is dominated by one man, who has been in power for twenty years because of the support of Mexican voters, and who inherited his power from a former henchman of the Wells régime. They allege, moreover, that this political power is corrupt—that it has exhausted the credit of the county and mortgaged its wealth for generations to come by making reckless issues of bonds and warrants, much of the proceeds of which have gone into the pockets of allegedly unscrupulous contractors, after a comfortable graft had been divided among the county office-holders. They further charge that by a series of boldly executed corrupt practices which involved the Mexicans, the county administration stole the election of 1928 from the Citizens' Republican League; and since that date this organization has used every known political and legal device to "turn the rascals out," even going to the length of a congressional investigation.¹⁹ The details of this struggle cannot even be sketched here. Suffice it to say that thus far no important change has taken place.

This rebellion is by no means the first to be attempted in Hidalgo county. It is rather the latest and most vigorous of a series of movements running through the last decade. Nor is Hidalgo the only county of the thirteen where the new-

¹⁹ The results of this investigation by the Select Committee to Investigate Campaign Expenditures are contained in *House of Representatives, 70th Cong., 2nd Sess., Report No. 2821*, pp. 1-333. The hearings held in McAllen, Texas, November 26-28, 1928, were attended by the writer.

comers have attempted revolt. As one very well-informed citizen observed to the writer, "these newcomers have in every part of Texas objected to the old régime. A fight similar to the present one in Hidalgo county has taken place at one time or another in many counties. Such is inevitable and a part of the growing pains—this duel of the newcomer versus the 'old timer.' " In most of the thirteen counties the Mexican voter holds the balance of power. Sometimes his vote can be divided. In Cameron county conditions have attained somewhat of an equilibrium. In Neuces county some years ago there was an acute struggle. There the Mexican-American had been controlled by the old ranch influence. To some extent the newcomers were able to divide his vote and break the ancient power. In one or two counties, no one group can control long. Any capture of local offices is dependent upon combinations.

Such political fights have not usually been accompanied by charges of corruption as was the case in Hidalgo county. Such corrupt practices as exerting undue influence on Mexican voters, giving them illegal assistance in voting, paying their poll taxes, and voting the alien Mexican have no doubt been rather common. Ballot boxes also are occasionally stuffed or returns tampered with. But where all factions alike are not particularly opposed to such practices, they are not likely to be made public issues. Furthermore, outright and persistent charges of gross mismanagement of public business, such as those now being made in Hidalgo county, have not been as common as might be imagined. Beyond being careless, and at times rather reckless, the old régimes have not generally, and as a matter of policy, squandered public money. It is, of course, true that, backed by the presence of large blocks of docile voters, an unscrupulous political oligarchy could work havoc in a county. On the other hand, results even more disastrous might ensue if a selfish combination of newcomers should rise to power.

IV. THE MEXICAN-AMERICAN VOTER

For some years to come, even in the populous counties, the citizen of Mexican extraction will continue to possess the votes, and elections will be won or lost depending upon how he votes. Inherited traits, economic status, and political lessons learned during the long years of old-fashioned political tutelage cannot be sloughed off in a moment. In the backward counties, old conditions are likely to survive long. In the other counties, however, there are signs of a new understanding of the significance of citizenship.

Of course there have always been classes among these people. In old border towns like Laredo, Rio Grande City, and Brownsville—in fact, over all South Texas—there has always existed a relatively small class which possesses strong traditions of family and culture originating no doubt in Spain. Many of these people show an admixture of Spanish and Indian blood, though with Spanish traits predominating. Some have large holdings of land, have entered business and the professions, and have intermarried with families of the other race. While they tend to be conservative and to perpetuate their Mexican or Spanish traditions, they have always been conscious of their American citizenship, and enjoy relations of equality with Anglo-Americans. In several counties where the older conditions prevail, they have always had a large share in political control. In one of these counties, complete control is even now in the hands of one family of this character, members of which own most of the land and control a good share of such business as is done. Their rule remains essentially that described as existing among the earlier Anglo-American landholders. The founder of what amounts to a dynasty there, and who ruled under the general direction of Judge Wells, is now dead; but while he lived, he remained a patriarch to the Mexicans on his lands. His power may now be said to be held in commission by his sons, and continues to be based upon their control of their tenants and workers; and it embraces every phase of life. There is something of an opposition on

the part of a handful of Anglo-Americans, who own the lesser part of the land, and some Mexican-Americans have recently been attempting to resist the county government, most of the offices of which are held by persons of Mexican extraction. This county is somewhat exceptional, but it is interesting as illustrating the spirit of the higher type of old-fashioned Mexican-American, who, where he possesses such control, is naturally not interested in changing conditions.

There is, however, another class of Mexican-Americans, above the lowly Mexican inhabitant, which is at present developing in the newer towns. Moreover, it also embraces many smaller Mexican-American ranch and farm owners in the country which surrounds these towns. This class may be designated as the new middle class, and, while still small in numbers, it is asserting itself in no uncertain terms. It has been recruited in part from among the old upper element, but more extensively from the more able and aggressive sons of the lowly class. These people have learned from the new settlers and the new conditions. Exceptional boys of Mexican extraction have migrated to the towns, have profited by the superior schools found there, have set themselves up in business, and in some instances have gone into the professions. They are found chiefly in the *Mexiquitoes* of these towns, because race prejudice or their own inclination keeps them there. But their houses, their places of business, and their standards of living compare favorably with those of the other race. They retain a keen respect for their Mexican background, but are acquiring even a keener respect for their status as American citizens. They deeply resent the discriminations which they have to bear, and some of them are fired with a desire to improve the status of their racial brothers who are less fortunate.

Recently a number of this element, anxious to secure their own rights as citizens and to educate and help others of their race, have organized themselves into a League of United Latin-American Citizens. This association at present has twenty local councils, most of which are located in towns and

cities in the area under consideration. A full history and description of the purposes and achievements of this league will be found in another article by the present writer.²⁰

Suffice it to say here that the organization has exerted a profound influence on Mexican-American citizens throughout the region, and that its chief aim is to serve as a nucleus of enlightenment for all Mexican-Americans in matters of citizenship and voting, to fight locally to break down racial discriminations, to secure by political means adequate representation for Mexican-Americans in public office, and to bring about changes in public policy to the end that the Mexican-American may derive his just due from government.

That this league has already accomplished something in the way of tangible results cannot be doubted. In most instances, politicians have not questioned its right to operate, and in some cases they have courted its favor. In certain localities the new American element is only now beginning to appreciate its possibilities in political directions. The League is evidence of the fact that the intelligent Mexican-American proposes to stand on his own feet and will refuse to be used as a political pawn by any faction. It is opposed to any sort of herding of Mexican-American voters. Whatever the organization may eventually be able to accomplish, it is an indication of an awakening spirit among the newer element.

Beneath all other classes in status, stands, of course, the bulk of the population of Mexican extraction, who, in the country at least, continue to live and behave much as their ancestors did. On the whole, they are docile, law-abiding, and apparently content to lead a primitive existence. They know little English, and, except in the better towns, the schools in which their children are usually segregated are as a rule miserable. No one in authority is particularly interested in their education and improvement. They submit to indignities

²⁰ "The League of United Latin-American Citizens; A Texas-Mexican Civic Organization," *Southwestern Political and Social Science Quarterly*, pp. 257-278 (Dec., 1929).

and social discriminations which in some localities, particularly where there are large numbers of newly arrived Americans, are very marked.

Many of this class, even though born in Texas, have little realization of their status as American citizens. They are aware of being "Mexicans," which is a matter of race consciousness, but they have only a meager understanding of the significance of citizenship. Regardless of the fact that many rendered valiant service during the World War, the war experience demonstrated that not a few who were born in Texas did not consider themselves American citizens. In some cases this attitude may have flowed from the motive of self-preservation rather than from ignorance; but undoubtedly many were actually confused. Similar confusion is also frequently in evidence when it comes to voting. There seems to be little doubt that many aliens are allowed to vote in every election; and however much this situation may be ascribed to corrupt motives on the part of politicians or election officials, it is also due in part to the voter's misconception or ignorance as to his own status.

One Mexican, who under oath admitted having voted in a Texas election, offered the following information concerning himself. He stated that he was born in the Mexican state of Tamaulipas and had not been naturalized in the United States. "If I am not a full-blooded American citizen," he went on to say, "I think I have the same right to vote here, because I was very young, only about eight years of age, when I came to this country, and I have been living here ever since and have been paying taxes all that time." It may be added that he could neither read nor write English and had, nevertheless, served as an election judge under an election law which required English to be used in the voting procedure. This man, in addition, made the statement that if the United States were at war with Germany he would consent to serve in her army, but if she were at war with Mexico he would remain neutral, because, being of Mexican race, he would be compelled to re-

spect his ancestors and his country.²¹ This case is mentioned because it undoubtedly illustrates attitudes held by a great many of these people.²²

Bearing in mind, therefore, the personal and group traits and the attitudes toward citizenship of average Mexican-Americans, their political behavior is easily explained. It is the common testimony of informed persons of all political persuasions that they have little or no conception of politics in the American sense. Friendship or fear largely impels them when attempting to use the suffrage. Voting has little or no significance beyond returning a favor to somebody higher up to whom they owe employment, money, personal attention, or something else. They recognize some local politician as their political chief. When election time comes around, in many instances they receive poll-tax receipts by mail or otherwise. Some kind benefactor has paid the poll taxes. Carrying these receipts to the polling place, they are addressed in Spanish by an election judge who may be aware ahead of time how they have been advised to vote. The ballots are printed in English. Therefore the judge kindly offers to mark the ballot properly, if indeed he has not already done so to save time. If it happens to be a presidential election, he will ask first the choice of the voter for the office of president. The answer will be Mr. X (the local county leader). When the governor's place is reached on the ballot, the reply is the same, and so on down the list to the office of constable. There is simply one political personage in the voter's mind, and he is the local chief.²³ In former days it was not uncommon for the chief or some of his local henchmen literally to corral the voters several days before the election, keeping them together by providing a barbecue for them, and voting them *en bloc* at the

²¹ *Supplement to Senate Journal, Regular Session of the 36th Legislature* (Texas), 1919, pp. 297-301.

²² *Ibid.*, pp. 25-1008; *House of Representatives, 70th Cong., 2nd Sess., Report No. 2821*, pp. 295-299.

²³ Extensive information relative to these practices may be found in *Supplement to Senate Journal, Regular Session of the 36th Legislature* (Texas), 1919.

proper time. While such practices have been rare in recent years, it remains true that "Mexican boxes," particularly in the country, return practically a solid vote for the dominant ticket.

Among the somewhat more sophisticated Mexican-American voters, particularly in the towns, the process is not quite so naïve. But here, too, with many the purely personal conception of politics no doubt still prevails. The voter is apt to be reminded by the ward or precinct boss, by his employer, by some money lender to whom he is indebted—in fact, in countless ways—that he would better vote a certain ticket. "The tendency of Americans and of others of his own race," testifies an observing Mexican-American who lives in a town of some size, "is to 'fix things up' for him. He is often dependent; he goes to some American or some member of his own race, as to a patron, for protection, for information, or to get help in any sort of legal entanglement. He may at times be ill-advised and handled in a cavalier fashion and taken advantage of by lawyers, judges, and supposed friends. However, help from protectors he remembers, and consequently he becomes entangled in obligations to others which cause him to be 'used' politically."

Indeed, all of the useful machine methods are employed—methods of a more complicated and urban character. In some towns the system is highly organized, in others not; but that this newer "bossism" is fairly prevalent can hardly be doubted. Machine workers operate in the Mexican quarters of the towns much as they do elsewhere in the United States. When election time comes, they begin to "buttonhole," influence, persuade, or put pressure upon persons to support the town or county administration. Much of the work is done quietly in street conversation. As a Mexican-American informed the writer, "fear and ignorance may be the controlling 'machine' forces in country village, or on ranches, but the city dweller, better educated and informed and with some degree of prosperity, reasons things out somewhat. He may

say to himself that his assessments may be raised unless he supports Mr. X; that another crowd in office may not understand him as well; that his business may be hurt if he votes otherwise than as he has been advised. He is now let alone, he thinks, and gets along pretty well; hence why venture into the untried?"

Control is sometimes exercised by appointing intelligent Mexican-Americans to non-elective and less important county and city offices, ranging in importance from such positions as that of deputy sheriff or deputy county clerk to that of janitor, street sweeper, or garbage collector. Such job-holders are selected because of their ability to deliver the votes of their families and friends. These men, for the most part in cities, are the lieutenants and sub-lieutenants of the political leaders.

Regardless of such practices, there is indication of something different for the future. In the urban communities, in particular, "the younger generation," as one Mexican-American expresses it, "though still timid, are the products of a better education—they are beginning to think for themselves, and the time will inevitably come when newcomers, dissenters now in the old régime, and enlightened Mexican-Americans may rise to establish themselves." In such centers of population, the hopes of the newer element for a development of Mexican-American leadership may more nearly be realized. It might seem a well-nigh insuperable task to instill in the rank and file of these people new conceptions of citizenship; nevertheless, that they possess the potentiality of measuring up to the general average of citizenship prevailing among other Americans may be demonstrated by many concrete examples.

THE ATOMIC THEORY OF SOCIETY

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In few affairs is political wisdom so put to the test as in the treatment of institutions that are growing old. Age in these cases has little to do with mere antiquity: the forms of social life are subject to no set term of years. It is a matter of continuing adaptability. Some institutions, like the British monarchy, possess this attribute in an astounding degree. Others, like the House of Lords, betray a hardening of the arteries that bodes ill for their survival in times of rapid change. For the speed of social change affects not only their physical and conceptual environment; it acts also upon, and through, the temper of the politicians and the public. In such periods society will sometimes administer a sudden *coup de grâce* to its more recalcitrant institutions, abolishing at one stroke both the abuses they have inflicted and the garnered wisdom they enshrine. The loss involved in these moments is seldom evident until long after, when it has to be made good *ab ovo*.

To such moods the Gallic genius is peculiarly liable; and it was in one of them that the French crashed open the gates of the nineteenth century and nailed the atomic theory of society to the lintel. "There are no longer any guilds in the state, but only the private interest of each individual and the general interest. No one may arouse in the citizens any intermediate interest, or separate them from the public weal by corporate sentiment."¹ In the time and place, le Chapelier's famous declaration to the Constituent Assembly of 1791 sounded like a triumph of liberty, the climax of half a century's agitation by the pioneers of economic freedom. Yet the policy to which it led became, first in France, then in

¹ Pic, *Traité élémentaire de législation industrielle*, III, 4.

England and America, the last resort of a reaction almost as stubborn as that which it had vanquished; and it is likely that in another fifty years the period of individualism will seem a temporary aberration in the tradition of social polity, a brief and dogmatic *excursus* into regions from which only retreat was possible.

The movement arose in direct response to two types of oppression: the Colbertian policy of minute state regulation of economic life, and the still more onerous restrictions of the guilds. Apart from the deadweight of the Court—with which not even he could cope—Colbert was following the Tudor example about a hundred years too late. And in extending, as part of this policy, the régime of the guilds he was riveting upon commerce and industry a tyranny that was, even in 1673, well nigh intolerable. Colbert himself, Turgot says,² had been confronted with the demand from the merchants, *Laissez-nous faire*. By the time Turgot took up that cry, it had behind it not only another century of mismanagement and oppression, but a reasoned body of theory in which all the arguments of individualism had been stated and developed.

Turgot's attack on state regulation proceeds from both general and specific grounds. Against even the most benevolent paternalism he adduces the principle of self-interest: "since men have a powerful interest in the good you propose to procure for them, let them alone—*laissez-les faire: voilà le grand, l'unique principe*."³ Two years later (1759) he returns to the assault. Attributing to Gournay sentiments obviously his own, he professes amazement at the restrictions on productive enterprise. A workman who produces a piece of cloth, he argues, adds something to the real wealth of the nation. Even if it is not perfect, it may find a buyer to whom it is just suited. Why all this furor about sizes and standards? Let people look after themselves. "A man knows his own

² *Éloge de Gournay*, Schelle, *Oeuvres*, vol. i. (Refs. are to Schelle's edn., throughout.) See also Higgs, *Physiocrats*, p. 67.

³ Article *Fondation*: *Oeuvres*, vol. i.

interest better than somebody else to whom that interest is quite alien."⁴

The attack on the corporations starts from ground conceded by their partisans. That there were abuses and a real need of reform, even the Six Companies of Paris, and their spokesman in the Parliament of 1776, admitted. An enquiry into the affairs of the guilds had been started in 1716,⁵ and there had actually been half-hearted reform movements before Turgot's time.⁶ But the extension of the system by successive royal edicts had not been accompanied by an adequate supervision of their rules and practices. The vested interests of the Court and the royal exchequer stood in the way of drastic treatment—despite the fact that by the middle of the century the guilds were rapidly becoming bankrupt under the royal exactions. Neither the public nor the crown, said Turgot, had really anything to gain by their continued existence: "I do not think anyone could seriously and in good faith maintain that these societies, with their exclusive privileges, and the obstacles they put in the way of enterprise, incentive, and technical advance, are of any use whatever."⁷

In this contention Turgot undoubtedly had the support of the small bourgeoisie everywhere, as well as of the whole group of economists. The decline of agriculture and the pressure of the abominable tax system were rendering life increasingly precarious; the rural population was drifting to the towns, as it has in almost every economic crisis of France; and the restrictions upon the chance of earning any sort of a living were being forced into the foreground of popular discontent. The celebrated manifesto of Bigot de St. Croix, in addition to the usual charges, stresses the effect of guild monopoly on the cost of living. "Once a man has got the exclusive right of selling me this or that article, he becomes

⁴ Schelle, *Oeuvres*, vol. i.

⁵ St. Léon, *Histoire des corporations de métiers*, vol. 6, p. 3.

⁶ See Henri Sée, *La France économique et sociale au XVIII^e siècle*, ch. 6.

⁷ *Mémoire: Oeuvres*, vol. v.

from that moment the dictator of the price; I have to submit to his terms. Once a regulation forces me to employ a particular workman, he charges me what he likes. Give me back my freedom, and the monopoly is at an end."⁸ The whole case against the guilds is summed up in a tremendous peroration prefixed to the edict of abolition—the denial of opportunity to the mass of willing workers, the rigid exclusion of women, the technical obscurantism and social parochialism, the enhancement of the cost of living by all sorts of arbitrary fees and charges levied on the workmen, the everlasting quarrels over jurisdiction, the effective maintenance of a pitiless plutocracy.⁹

So far, so good: it is in the reasoning by which a general principle was extracted from this specific situation that the historic interest principally lies. In Turgot's abortive policy of 1776, as well as in its resurrection by the Constituent Assembly fifteen years later, the harsh and doctrinal tendency stands out clearly; and it is impossible altogether to exonerate him from some of the charges levied against the encyclopædists and physiocrats. From their worst faults his practicality and common sense saved him: he was more intent on getting things done than on theorising about them. As Voltaire said:¹⁰

A Turgot, je crois fermement;
Je ne sais pas ce qu'il va faire,
Mais grâce a Dieu, c'est le contraire
De ce qu'on fit jusqu' à présent.

The extreme character of the 1776 legislation is not entirely the result of doctrinaire thinking. As a practical statesman, Turgot may well have felt that the counter proposals of reform brought forward by his opponents were hopeless in the circumstances. In view of the nature of the opposition, he

⁸ St. Léon, *loc cit.*

⁹ Text in *Oeuvres*, vol. 5. Complete trans. in Shepherd, *Turgot and the Six Edicts*.

¹⁰ Quoted in *Oeuvres*, vol. 5.

could not afford to temporize; the prompt suppression of their reply to St. Croix's pamphlet shows this clearly. In fact, he seems to have realized that the fate of the monarchy itself might depend on drastic action, and—if a remark of the elder Mirabeau is to be trusted—to have come in the end to despair of that institution. Further, he had never been drawn very far into the a priori theorising of the Physiocrats. His use of the natural harmony theory, for example, is mostly confined to specific instances where the case for liberty could be empirically established on the facts. His application of the doctrine of natural rights is, on the whole, similarly specific. His assertion of the right to work (*droit de travailler*) against the corporations goes nowhere near the danger point of 1848—Louis Blanc attacked him for it.¹¹ He was, in fact, well aware of the dangers of political sectarianism, and had more than once criticised the "sectarian attitude" and "fanatical tone" of the economists.¹² "As soon as savants surrender themselves in pride to constitute a body and say 'we,' and believe themselves able to give laws to public opinion, thoughtful public opinion revolts against them, wishing to receive laws from the truth only and not from authority."¹³

The school with which Turgot would never quite identify himself certainly lay open to the implied censure. De Tocqueville, in a very bitter passage,¹⁴ contrasts the intellectual arrogance of the French liberals with the pragmatic moderation of the English and Americans. The work of the former, he says, is supposed to rest on an adoration of the human reason; but in truth it was merely their own reason they adored. It is interesting to note that this criticism was also a contemporary one: Schelle gives a lively example of it, emanating from the court party in 1776.¹⁵

¹¹ In his *History of the Revolution*. See Léon Say, *Turgot*, ch. 8.

¹² Say, *op. cit.*, ch. 3.

¹³ Shepherd, *op. cit.*, ch. 2.

¹⁴ *L'Ancien Régime*, vol. 3, p. 1.

¹⁵ *Oeuvres*, vol. 5.

Ce n'est pas de nos bouquins
 Que vient leur science :
 Eux seuls, ces fiers paladins
 Ont la sapience.
 Les Colbert et les Sully
 Nous paraissent grands, mais fi !
 Ce n'est qu'une ignorance.

Du même pas marcheront
 Noblesse et roture ;
 Les Français retourneront
 Au droit de nature.
 Adieu, Parlement et lois,
 Les princes, les ducs, les rois,
 La bonne aventure.

From two weaknesses of the school, however, Turgot was not exempt. One was a lack of the historical sense. In his sweeping denunciation of the legitimacy of the guilds, his persistent regard of them as nothing but predatory parasites upon the body politic, he displays a decidedly a priori view of social process. Behind it lay an ardent faith in the perfectibility of human nature, an idealism that not even his losing struggle with Louis XVI could quite eclipse. But Segurier, in his weighty speech of opposition to the decree,¹⁶ showed himself more realistically minded. Yes, says Segurier, there are certainly abuses that call for cure; but that is no reason for murdering the patient. Certainly more liberty is desirable; but it must be liberty under law, not anarchy. After all, human beings are far from perfect. They are greedy of gain, and honesty is unfortunately not always and everywhere the best policy. (Marat subsequently made almost an epigram of this: "If from the desire to make a fortune be taken away the desire to establish a reputation, farewell to good faith."¹⁷) We cannot assume—as Turgot had argued—that competition

¹⁶ *Oeuvres*, ch. 5.

¹⁷ Quoted in Say, *op. cit.*, ch. 8.

for trade will prove a sufficient guarantee against fraud, or compel employers to discriminate in favor of the best workmen. And through the protest runs an undertone of fear of disorder and violence once the "turbulent youth" is loosed from the restraints then lying on it. It is true, of course, as the Webbs have pointed out,¹⁸ that Seguier presents a typical defense of vested interests in occupations; but he also shows an appreciation of the rôle of corporate entities in social life that Turgot and his school fatally lacked.

A second weakness is the tendency toward rash generalization, conspicuously illustrated in the fundamental maxim of Turgot's policy. "The root of the evil," he says, "is in the very right accorded to artisans of the same trade to associate and act together in a body." Accordingly, the decree (Art. XIV) abolishes and prohibits, not merely the tyrannous associations of masters, but all associations of artisans, companions, or apprentices as well, acquiring thus that purely negative and destructive character that modern French commentators have deplored. And all in the name of individual freedom! The individual was ostensibly being given the chance to seek his own interest; yet if his interest lay—as it was increasingly to lie—in one paramount direction, he was expressly and rigorously enjoined from pursuing it. It may be—as Say maintains—that no general freedom of association had ever been recognized: the fact does not atone for the establishment of a legislative doctrine that was for half a century to lead farther and farther away from it.

It was precisely this negative character that subsequent legislation developed and emphasized: in nothing does the bourgeois nature of the revolution stand out more clearly.¹⁹ Not only does the revolutionary legislation prohibit, in the most detailed and specific way, any group action on the basis of common employment; it elevates the disintegration of corporate life into a series of maxims that lie at the root of the

¹⁸ *Industrial Democracy*, vol. 2, p. 566.

¹⁹ Cf. Pic, *op. cit.*, Intro., ch. 3.

whole movement and its manifold sequel. The phrases of the Declaration sound plausible enough until one remembers the use to which they were put two years later: "The source of all sovereignty is essentially in the nation; no body, no individual, can exercise authority that does not proceed from it in plain terms. . . . Nothing can be forbidden that is not interdicted by the law, and no one can be constrained to do that which it does not order."²⁰

The decree of 1791 makes of this sovereignty of law doctrine a denial of all group action in economic life—not only unfortunately, but perhaps mistakenly as well.²¹ Citizens of the same trade or calling—whatever their status—may form no association, temporary or permanent, may make no joint decisions, may formulate no rules as to their "pretended common interests," may maintain no officers or records, may not even deliberate on common plans to affect the terms of employment. To do any of these things is made a criminal offense; to instigate them involves also the loss of citizenship.

It is comprehensible, of course, that the long oppression of the individual should have led to some over-statement of the case; but it needs more than that to justify the extent to which that case was pushed. It was suggested to Le Chapelier, for example, that voluntary associations of workmen might be permissible when their purpose was mutual help in time of sickness or unemployment. But he would have none of it. That, he says, is the duty of society, acting through its officials, and for it to be done privately, if not absolutely dangerous through bad administration, at any rate tends to resurrect the corporations.²² St. Léon has repeatedly pointed out the sterility of the two extremes of individualism and state socialism. In fact, there were not even two extremes, but only one; for the French state was extraordinarily slow to acknowledge any positive responsibility in the matter. The nation was

²⁰ Anderson's trans. in *Constitutions and Documents*.

²¹ See St. Léon, *op. cit.*, vol. 7, p. 1.

²² St. Léon, *loc. cit.*

thus saddled with a half-truth that was considerably less than half true.

The effect was doubly unfortunate, not merely because, as Pic maintains,²³ freedom of association is an indispensable corollary of freedom of occupation, but because a doctrine of individualism shorn of the right of association is in its very nature static and reactionary. The atomic theory of society, in its dogmatic form, amounts to a denial of the very forces that create society; it is, in fact, a theory, not of society, but of the raw material from which society develops under the action of those vital impulses it either ignores or condemns. Those forces were thus condemned to the same desperate underground existence they had led for centuries; and the practical sequel still remains to plague us. For as the industrial revolution followed on the political one, and the right of voluntary association came increasingly to the fore, it became inevitably mixed up with the doctrines of criminal conspiracy—a result that a more liberal philosophy might have averted altogether.

It is permissible, none the less, to hold that the atomic theory, like other famous half-truths, played its historic rôle as a step on the road to freedom. Self-determination for the individual was not in fact achieved by it, but was perhaps brought nearer than it might otherwise have been. Self-determination for the group is still an unsolved problem. Fascist theorists, loud in their denunciations of French individualism, maintain as stubborn a denial of this latter demand as the *ancien régime* did of the former—and may perhaps be courting a similar fate. But the reason for their attitude is common to all Western nations. The state, as the dominant group and the ostensible supreme organ of human solidarity, does not know how to maintain its security or its preëminence if complete self-determination for the group be conceded. It therefore jealously limits this right by statute and common law and by the interpretations of its judiciary, availing itself of

²³ *Traité*, vol. 3, p. 4.

every quirk of the old doctrine to maintain the old negative attitude.

The problem is a difficult and momentous one, but it cannot be evaded. It is likely that just as a radical reconstruction of the state was necessary to clear the way for individual self-determination, so another reconstruction will be necessary to admit of group self-determination. But if history teaches anything, it is that the process of rushing from one extreme to the other offers no solution, and entails very costly consequences.

AMERICAN GOVERNMENT AND POLITICS

Minority Control of Court Decisions in Ohio. The experience of Ohio with the requirement of concurrence of an extraordinary majority of the Supreme Court to declare a statute invalid is an illuminating commentary on the desirability of such a restriction. Much has been spoken and written on both sides of the question. Those who have seen laws embodying worth-while reforms invalidated by the courts, many times by bare majority decisions, have campaigned for a curtailment of the judicial prerogative. Publicists have expatiated on the evils of the situation. Textbook writers have embodied the arguments in their discussions. Teachers, it is to be feared, have quite glibly enlarged upon the necessity of unseating our "judicial obligarchy."

The late President Theodore Roosevelt, addressing the Ohio constitutional convention in 1912, urged that body to propose an amendment providing for the recall of judicial decisions. He failed to convince the convention of the desirability of his remedy, but he succeeded in creating a feeling that something must be done; and an amendment to the judiciary article was adopted, reading as follows: "No law shall be held unconstitutional and void by the Supreme Court without the concurrence of at least all but one of the judges, except in the affirmance of a judgment of the court of appeals declaring the law unconstitutional and void."¹ Since the Supreme Court is composed of a chief justice and six associate justices, the restriction amounts to a requirement of the concurrence of six justices in decisions of this kind. However, in case the court of appeals holds a statute to be unconstitutional, a bare majority of the Supreme Court may sustain the judgment of the lower court.²

Ohio thus became the first state to adopt a limitation of the type proposed many times to curb the action of the United States Supreme Court.³ Only two other states have followed her example. North

¹ Art. IV., sect. 2.

² Professor Holcombe errs in stating that the Ohio plan "provided simply that statutes should not be declared unconstitutional by the lower courts, nor by the Supreme Court unless at least six of the seven judges concurred in the decision." *State Government in the United States* (rev. ed., 1926), p. 451.

³ For a list of resolutions offered in Congress, see Charles Warren, *Congress, the Constitution, and the Supreme Court* (Boston, 1925), note to Ch. VI, pp. 220-221.

Dakota amended her constitution in 1918 to require the concurrence of four of the five judges; and in 1920 the constitution of Nebraska was amended to require the assent of five out of seven. Both of these states amended their constitutions before any significant events had occurred by which the new system could be evaluated. Prior to 1920, only one case had been decided by the Ohio Supreme Court in which the outcome was determined by a minority of the judges.

Barker et al., County Commissioners, v. City of Akron⁴ involved the constitutionality of a statute providing for the payment of election expenses.⁵ Elections in Ohio are conducted by a bi-partisan board having county-wide jurisdiction under the supervision of the secretary of state. The statute in question provided that the expenses of all elections should be paid from the county treasury as county charges, with the exception of November elections in the odd-numbered years, e.g., the regular municipal contests. The county commissioners objected to paying the costs of all other municipal elections. Four members of the court believed that the section was unconstitutional. Three members were of the opinion that the statute was not repugnant to any constitutional provision. Since the court of appeals held the statute to be valid, the division of the Supreme Court made it necessary to affirm that decision, which was done in a brief *per curiam* opinion and without argument of the merits of the question.

Logically and reasonably, it would appear that the county commissioners could sustain their objection to paying the costs of elections which are ordered by authorities over whose action they have no control, as in the case of special votes for bond issues, charter amendments, and the like, in the cities within the county boundaries. Further, it seems only reasonable that the city should bear its proper share of the costs of primary elections for the nomination of local officers. The intention of the statute to provide for payment of the costs upon the certificate of the board of deputy state supervisors of elections was to that extent justifiable. The effect was, perhaps, the result of an oversight on the part of the legislature. A comparatively simple amendment to the statute would have been sufficient to remedy the difficulty in a satisfactory manner. The minority of the court was doubtless entirely correct in holding that the statute was not contrary to any specific constitutional provision, though the

⁴98 Ohio St. 446, 121 N. E. 646. Decided April 2, 1918.

⁵ Sect. 5052, General Code.

section in question was undoubtedly repugnant to our conception of right and justice and to the spirit, if not the letter, of the constitution. The important point, however, is that a minority of the court was able to override the majority and to determine its decision. It being a minority of three, and in a case which did not have immediate and serious ill effects, the outcome was considered inconsequential.

Since that time, at least six clear cases of minority control of the decision of the court have occurred, one each in 1923 and 1925, and four in 1927. Other cases might be mentioned, but the reports do not give positive evidence of the effect of the rule.⁶ Three of the six cases referred to were decided by three judges, while in the other three cases two members of the court controlled its action. Two cases were concerned with the validity of city ordinances, and one considered the constitutionality of a statute which limited cities in the control of their utilities. In two cases, sections of the workmen's compensation act were called in question; and the remaining case related to the compensation of judges.

In *Fullwood v. City of Canton*,⁷ the validity of a police regulation of the city was upheld by the court of appeals. Five of the judges of the Supreme Court believed that the ordinance did not operate equally upon all the members of a class, and that it improperly limited the freedom of contract and thus was contrary to the constitution. Two, however, held that the ordinance was within the limitations of the constitution. The court then sought to inquire whether a municipal ordinance was a law within the meaning of the requirement. Four judges held that it was not a law. However, the two judges who held the ordinance constitutional were among the majority of the court who believed that the ordinance was not a law. Since these judges could not consistently concur in a reversal, the result was the

⁶ *Morton v. State of Ohio*, 105 Ohio St. 366, 138 N. E. 45 (1922); *Royal Green Coach Co. v. Public Utilities Commission*, 110 Ohio St. 41, 143 N. E. 547 (1924). In the *Morton* case, the statute was declared unconstitutional, though there is evidence that some of the judges were not fully convinced but concurred. The writer of the opinion in the *Coach* case believed the statute unconstitutional, but does not state how many of the justices agreed with him on that point. The case being heard by only six judges, the question might also be raised as to whether a unanimous concurrence would have been necessary to declare the statute void. The judge implies in the opinion that it would have been necessary.

⁷ 116 Ohio St. 732, 158 N. E. 171. Decided March 29, 1927.

affirmation of the decision of the court of appeals, by the action of two of the seven judges of the Supreme Court.

A similar, but not so extreme, situation is found in *Meyers v. Cope- lan, Chief of Police, et al.*, decided in the same year.⁸ A Cincinnati city ordinance prohibited and penalized jewelry auctions. The decision was controlled by three judges of the court. The opinion states the problem admirably:

“Manifestly this ordinance is enacted under the power to make local police regulations⁹ and the courts cannot interfere with such legislative authority of the city unless the court can say that the ordinance had no real or substantial relation to the objects sought to be obtained, but is a clear, unmistakable infringement of the rights secured by the fundamental law. In the opinion of three members of this court, this ordinance does not so offend. Four members of the court . . . hold that the ordinance does violate constitutional limitations and interferes with the freedom of contract. Three members of the court . . . are of the opinion that the provisions of Section 2 of Article IV, requiring the concurrence of at least all but one of the judges to declare a law to be unconstitutional and void except in the affirmance of a judgment of the court of appeals declaring a law unconstitutional and void, applies to the ordinances of municipalities. There being more than one member of this court holding the ordinance to be constitutional, and there not being as many as four members of this court who hold that an ordinance is not a law, who at the same time concur in a judgment of reversal, it follows that there is an insufficient number of judges concurring upon the points of law necessary to a reversal, and the judgment of the Court of Appeals must be affirmed.”

State, ex rel. Jones v. Zangerle, Auditor,¹⁰ raised the question of the validity of an amendment, passed in 1927, to Section 2253 of the General Code of Ohio. The amendment increased from ten to twenty dollars a day the compensation of judges assigned temporarily to duty outside the jurisdiction of their own courts. Judge Jones, of the common pleas court of Miami county, presented his voucher to Auditor Zangerle of Cuyahoga county for compensation for services at twenty dollars per day, while assigned to the bench of the latter county. The auditor refused to issue his warrant on the treasurer

⁸ 117 Ohio St. 622, 160 N. E. 855. Decided October 26, 1927.

⁹ Constitution, Art. xviii, Sect. 3.

¹⁰ 117 Ohio St. 507, 159 N. E. 564. Decided December 21, 1927.

for the full amount, but offered to draw a warrant for ten dollars a day, Judge Jones having been in office at the time of the passage of the statute. The judge brought an original application for a writ of mandamus to the Supreme Court. Three members of the court concurred in an opinion holding the increase valid and constitutional as part of the compensation which was "occasional, contingent and variable as paid for services rendered by a judge outside his county," and not within the purview of the constitutional limitations which covered only a salary paid to a judge for services within the jurisdiction of his own court. Four judges were of the opinion that the law could not apply to the judge in the instant case, in view of the constitutional limitations. Yet the three judges controlled the decision and the writ was allowed. The court stated its position as follows: "While members of this court deplore such a constitutional provision—one which permits judicial control over grave constitutional questions by a minority vote—the fault lies, not in the court, but in the constitutional provision which produces such a result."

In *DeWitt v. the State, ex rel. Crabbe, Attorney-General*,¹¹ the court was called upon to consider the validity of a section of the Workmen's Compensation Act.¹² This section provided, among other things, that an additional sum amounting to fifty per cent of the compensation should be added in favor of the injured person by way of a penalty in event the award of the Industrial Commission was not paid within ten days of the Commission's action. This provision related, of course, only to those employers who had not provided for compensating their injured employees by insuring either in the state insurance fund or in an outside company. It was designed to secure compliance with the act. The size of the penalty, however, induced five judges to assert the unconstitutionality of the section, including the judge who wrote the opinion of the court. These judges urged unconstitutionality upon the ground that the clause "tends to compel obedience to the administrative orders of the Commission and operates as a deterrent upon an employer who may desire, in good faith, to test the validity of such orders, and, to that extent, transcends legislative power and violates the state and federal constitutions." Two judges, while agreeing with the court in the decision of the other questions in the case, held that the clause under consideration was constitutional and within the power

¹¹ 108 Ohio St. 513, 141 N. E. 551. Decided November 13, 1923.

¹² Section 1465-74, General Code.

of the legislature. Accordingly, the third paragraph was added to the syllabus of the case, specifically declaring the clause valid, although five judges opposed such a finding.

Another section of the Workmen's Compensation Act was questioned in *State, ex rel. Williams v. Industrial Commission of Ohio*.¹³ The legislature amended the act in 1925 to extend the right of compensation from the state funds to persons who at any time after January 1, 1923, were injured while in the service of an employer who later became insolvent, even when the employer had not subscribed to the state insurance fund.¹⁴ Williams brought an action in mandamus to compel the Industrial Commission to pay compensation from the surplus fund under this section for injuries which he had received in 1923. The opinion of three judges held that the law was constitutional and that Williams was entitled to the writ. Four judges concurred in the dissenting opinion, which urged the unconstitutionality of the amended section, maintaining that "participation in the benefits of the fund by employees of employers who have not contributed to it, and from whom contributions cannot be collected, is a taking of property without due process of law as prohibited in both the federal and state constitutions." At the same time, the dissenting judges thus expressed their position as to the principle of workmen's compensation: "It should be stated at the outset that no one at this time, after fourteen years' experience with workmen's compensation, questions the beneficence of its provisions, and no one denies the authority of the state in the exercise of the police power to impose assessments and by civil process collect from solvent employers such rateable sums as will provide a reasonable insurance fund to compensate industrial accidents."

The decisions which thus far have been discussed are completed by a sequence of two municipal cases. They arise from a statute which attempts to prohibit municipalities owning or operating water works from charging for service for certain enumerated municipal purposes, public buildings, the board of education, or charitable institutions.¹⁵ The city of East Cleveland attempted to charge the school board of

¹³ 116 Ohio St. 45, 156 N. E. 101. Decided March 8, 1927.

¹⁴ Section 1465-75, General Code, as amended, 111 Ohio Laws 218.

¹⁵ Section 3963, General Code. The clause relating to charitable institutions was held unconstitutional in *Euclid v. Camp Wise Association*, 102 Ohio St. 207, 131 N. E. 349. March 29, 1921.

the city school district for water furnished by the municipal water plant. Upon the refusal of the board to pay, the city brought suit to recover, claiming that the statute, in this respect at least, was repugnant to Sections 4, 5, and 6 of Article XXVIII of the constitution, which seemingly confer very complete powers upon the city to operate its public utilities.¹⁶ At first glance, there appears to be no reason for such a charge in the case of the school district. It reminds one of taking money from one pocket to put it in another. But on a closer view it is readily apparent that, although the groups are largely composed of the same persons, those who pay water rates are not necessarily the same individuals who pay taxes, nor are the charges proportionately the same. There is thus no adequate reason for compelling the users of water to provide a sufficient supply to be devoted to the other uses. The majority of the court, five judges in this case, wished to declare that portion of the statute void which related to a water supply for the school district, following the decision of the Euclid case.¹⁷ The remaining two members of the court decided the outcome, affirming the decision of the court of appeals which had upheld the statute. The opinion of the effective minority rested upon the contention that for the city to charge for water for a school building would render the school district subject to the city. The pleadings had not affirmatively shown that the efficiency of the school district would be affected. The entire decision rested upon the constitutional mandate to the legislature to provide for and encourage schools.¹⁸

The East Cleveland case occurred in the Eighth Appellate District. In 1928 a case was carried to the Supreme Court from the Second Appellate District. *Board of Education v. Columbus*¹⁹ presented a statement of facts which was identical in all essential respects with that of the East Cleveland case. And the brief itself admitted that it was "a frank endeavor to make effective the opinion of a majority of the Supreme Court." This time the lower courts held the statute unconstitutional. The same division of the Supreme Court occurred, the personnel being unchanged, with the result that the East Cleveland case was overruled and the ruling of the Euclid case was ap-

¹⁶ *City of East Cleveland v. Board of Education*, 112 Ohio St. 607, 148 N. E. 350. May 26, 1925.

¹⁷ See note 15 above.

¹⁸ Constitution, Art. II, Sect. 26.

¹⁹ 118 Ohio St. 295, 160 N. E. 902. Decided April 4, 1928.

proved and followed. To settle the matter, the statute was declared void "for the further reason that it results in a taking of private property for public use without compensation therefor, in violation of Section 19, Article I, of the Ohio Constitution."²⁰

Admittedly, the outcome of this case was very satisfactory to the city of Columbus. But it offers no relief to East Cleveland or to any other city in the Eighth Appellate District. Unless a change occurs in the personnel or opinions of the court of appeals, that court in a second case would be perfectly justified in following its former decision. In like manner, the Supreme Court would be forced to affirm the judgment. By this restriction, the influence of the Supreme Court in harmonizing the judgments of the lower courts is destroyed, in so far as it concerns the constitutionality of statutes. In effect, the final determination of this all-important question of the validity of legislative acts is turned over to the intermediate judicial bodies except where their decision is so manifestly erroneous that there can be practically no difference of opinion. Litigants, in place of finding a uniform law throughout the state, may find a law applicable in one jurisdiction while it is void in another. Certainly this is not an end to be desired.

It may be urged that this is an isolated case. But it clearly indicates the possibility of an increasing chaos in the law. A further case affords an almost parallel example of the same result. In *Antenen v. State, for the Benefit of Bredwell, et al.*,²¹ the court of appeals of Butler county held the fifty per cent penalty clause of the Workmen's Compensation Act to be invalid, making no reference in the opinion to the DeWitt case. On appeal, the Supreme Court upheld the judgment of the lower court and overturned its former ruling.²² The situation is saved from entire similarity to that of the water cases by the concurrence of six judges. It does, however, show that an inferior court may not consider itself bound by a minority decision, and, in such a case, is free to render its decision *de novo*.

We cannot appeal to the rule of *stare decisis* for a solution of the difficulty. It is to be hoped that lower courts would follow the judgment of the Supreme Court. Indeed, that would be the normal ex-

²⁰ Syllabus, paragraph 2.

²¹ 27 Ohio Appellate 4, 160 N. E., 637. Decided June 10, 1927.

²² *State, for the Benefit of Bredwell, et al. v. Hershner, et al.*, 118 Ohio St. 555, 161 N. E. 334. Decided April 18, 1928.

pectation. But the opinion in the Columbus case quotes from the opinion of the lower court as follows: "In the very nature of superior and inferior courts, the latter should follow the adjudicated cases by the higher court when the judgment of the higher court rests upon the concurrence of a majority of the judges, but we are of the opinion that, where the judgment of the Supreme Court rests upon the concurrence of less than a majority, such judgment is binding only in that particular case as an adjudication, but is not binding in other cases under the rule of *stare decisis*." And the Supreme Court found ample authority for approving the refusal of the court of appeals to follow the rule in the Columbus case, the former decision having been made by a divided court.²³ Further, any court of appeals in the state is at liberty to proceed to its decision as if no previous case had been determined, knowing that the higher court could not order a reversal. No generally accepted body of principles is created. No new norms of judicial action are established. The very basis of our system of law is threatened.

Can it be said that all this applies merely to Ohio? Similar results have been forecast if Senator Borah's proposal were adopted as a limitation upon the federal Supreme Court.²⁴ It makes little difference whether the exception is made in favor of the affirmance of a decision of the lower court. In the absence of a sufficient majority to overturn that decision, the Supreme Court could not do otherwise than affirm the judgment. That is already true of decisions in which the court divides evenly, one or more judges being absent. Inconsistent and inequitable application of the law is bound to follow.

More serious than the immediate effects of decisions such as have been presented are the implications which relate to the basic foundations of the American political system. Majority action is tacitly or expressly provided for in almost all of our governmental agencies. Indeed, we sometimes carry its operation to absurd extremes. But it remains as fundamental to the successful operation of courts of collegiate design as to legislative or administrative bodies. We have preferred, along with most other countries, to vest the ultimate decision of justiciable questions in a group rather than to allow one

²³ *Hertz v. Woodman*, 218 U.S. 205, 30 Supr. Ct. 621, 54 L. Ed. 1001, which cited several other cases as precedents.

²⁴ Charles Warren, *Congress, the Constitution, and the Supreme Court* (1925), Ch. IX.

man to control such important matters. Yet the requirement of an extraordinary majority is productive of minority control in questions of the constitutionality of statutes. It cannot even be said that the existence of a determined minority indicates a reasonable doubt in the minds of the group as such. Differences of opinion are bound to occur, even among reasonable men. But order and consistency require that the opinion of the majority shall prevail.²⁵

Finally, what is the effect of such decisions upon the constitution? We have consistently subscribed to the practice of writing fairly rigid amendment provisions into our constitutions. Seldom is a legislative body permitted by its own action alone to amend the fundamental law. In fact, the modern tendency has been to remove many questions of policy from legislative jurisdiction by placing them in the constitution. The courts have been the established guardians of that body of law for the purpose of insuring that no method of change, other than the orderly process provided, shall be used to subvert its provisions. Foreign, as well as American, writers point to this development as a part of the very genius of the American constitutional system.²⁶ Whatever may be the merits of a flexible constitution, the fact remains that the United States does not, as a nation, accept that principle. Particularly do we refuse to place confidence in our legislatures to protect our interests. Yet, not only in fact but in theory, the requirement of an extraordinary majority of the Supreme Court does mean legislative finality. We are accomplishing by indirection a result to which we object when straightforwardly advocated. The majority of the court is forced to permit decisions to be handed down which are contrary to its convictions, or members of the minority are forced to concur with the majority in order to make the real opinion of the court effective. Small wonder that the Ohio Supreme Court chafes under the restriction and demonstrates its impatience in no uncertain terms, even going so far, seemingly, as to overstate the case at times. In the main, however, the point of view of the court is worth considering. How long can the dignity and honor with which

²⁵ The question of reasonable doubt has been covered thoroughly by R. E. Cushman in "Constitutional Decisions by a Bare Majority of the Court," 19 *Michigan Law Review* 771-803 (1921). See also Charles Warren, *op. cit.*; Charles E. Hughes, *The Supreme Court of the U. S.* (1928), pp. 237-241.

²⁶ See A. V. Dicey, *Law of the Constitution* (8th ed.), pp. 154ff, and other authors cited.

we have endowed our highest tribunals be maintained in the face of such adverse circumstances? The remedy for our "judicial oligarchy" is worse than the evil which it was designed to alleviate.²⁷

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Impeachment of Oklahoma Governors. In Oklahoma, impeachment is of the soil racy. In the twenty-three years of statehood, thirteen impeachment messages have been received in the Senate from the House. Governor Williams (1914-18) has been the only one of six elected governors against whom House investigations were not ordered, and he may have been spared by the unusual House rule which declared any members guilty of perjury who swore to charges that were not substantiated in an investigation.

Backed by the farmer-labor group, John C. Walton was elected governor in 1922 in a campaign marked by bitterness and party bolting.¹ Before he was inaugurated, rumor had it that he would be impeached. Opposition to him sprang from three main sources—disappointed office-seekers, the klan, and the school *bloc*. However, it was the klan that finally dragged him down. To prevent klan outrages and to punish their perpetrators, Walton attempted to employ the military forces of the state. Martial law was declared in the city of Tulsa on August 13, 1923. It was soon extended to the whole of Tulsa county, to Okmulgee county, and finally on September 1 to the whole state. Adding to the confusion, the legislature tried to convene itself in extraordinary session, under the excuse that the governor's action had made such a step necessary and essential to the welfare of the state. Walton countered by branding the legislators as klansmen and a meeting of the legislature as an unlawful klan assembly. An attempted convening was frustrated by armed force on September 16.

²⁷ Since this article was written, two additional cases have been reported in which a minority of the court determined the decision. *State, ex rel. Bryant v. Akron Metropolitan Park District for Summit County, et al.* (166 N.E. 407, March 27, 1929) upheld the constitutionality of the Park District Act (Sections 2976-1 to 2976-10i, General Code). Two judges concurred in the opinion. On the same day, the same judges upheld the Sanitary District Act (Sections 6602-34 to 6602-106, General Code), in *Shook, et al. v. Mahoning Valley Sanitary District, et al.* (166 N.E. 415). One judge did not participate in the latter case.

¹ For a brief account, see Ernest T. Bynum, *Personal Recollections of Ex-Governor Walton*.

In August, Walton had set October 2 as the date for a special referendum election, and he enumerated in the proclamation the measures to be submitted. Soon thereafter, Campbell Russell, known to Oklahomans as the champion sponsor and user of the popular initiative, circulated a petition to amend the constitution so as to permit the legislature to convene itself upon a petition signed by a majority of its members. The Russell petition, known as Initiated Petition No. 79, was placed on the ballot over the protest of the governor. To forestall the legislature, Walton issued another proclamation countermanding the August proclamation and setting December 6 as the date for the special election; and he directed telegrams to all the local election officials informing them of the change. Some of the local officials ignored the order, while others obeyed it. Struggles for the possession of ballots and other election equipment were common, and in some precincts the voters spent considerable time trying to locate the official polling places. With this sort of balloting, the petition carried by a vote of 188,572 to 57,899.

Walton's defense was shattered. On October 5, the legislative leaders announced that the legislature would convene twelve days later under the authority of Petition No. 79. On October 6, the governor, hoping to limit the legislature to legislative matters, issued a call for a special session to meet on the 11th for the purpose of investigating the klan. The legislators ignored the governor's offer to resign following the passage of an anti-klan statute, laughed at his message, and successfully opposed his attempts to build up an organization in the House. On the 23rd the Senate received a message from the House stating that articles of impeachment had been prepared against Walton and that the same had been adopted.² The Senate immediately suspended the governor.

The Senate then organized itself into a court of impeachment, with the chief justice of the supreme court in the chair, and adopted rules under which the trial was conducted. With preliminaries over, the trial actually began on November 1. It lasted but twenty calendar days. Twenty-two articles of impeachment charged the governor with unlawful appointment of officers, padding the payrolls, using the pardon power to defraud, accepting monies from persons who had business transactions with boards of which he was a member, illegal

² *Transcript of Proceedings of the Senate of the Ninth Legislature (Extraordinary Session), State of Oklahoma*, xiii.

and unwarranted use of the military, unconstitutional suspension of the writ of habeas corpus, suppression of a legally instituted grand jury, and general incompetency.³

Only one side of the case was presented for trial, since the defense did not place a single witness on the stand. On November 17, following an adverse ruling of the court on the admissibility of evidence, Walton rose and said: "Mr. Chief Justice, and members of this Court: I have been sitting here fighting for my honor, for my rights, and for my home for ten days. I don't wish here to criticize any of these honorable members; some of them no doubt want me to have a fair trial; but I have reached the conclusion that I cannot have a fair trial in this Court. Knowing that, I am withdrawing from this room. I don't care to stand this humiliation any longer for myself, my family, or my honorable attorneys. You may proceed as you see best."⁴

After this dramatic episode the trial was quickly drawn to a close. There were no doubts as to what the decision would be. Article XIX, charging abuse of the pardon power, was presented and sustained by a unanimous vote of the 41 members present.⁵ The managers thereupon submitted fifteen other articles, ten of which received the necessary two-thirds. On motion of the prosecution, the other counts were dropped, though the request precipitated a debate as to the authority of the managers to ask for the dismissal and the court to grant it.⁶

Lieutenant-Governor Trapp succeeded to the governorship. Prior to the 1926 primary, the court held him ineligible to succeed himself, even though he had not been elected governor.⁷ This decision materially aided Henry S. Johnston, the avowed klan candidate, who defeated two other candidates by narrow margins. The anti-klan, disappointed office-seekers, and the personal enemies of Mrs. Hammonds, who was Johnston's private secretary, coalesced into a strong opposition which showed its strength before the close of the first legislative session and which demanded a show-down eight months later in what is now known facetiously as the "Ewe Lamb Rebellion." An attempted convening of the legislature at the capitol was frustrated by armed guards; hence rump sessions were held in the Huckins Hotel. A test case was

³ For text of articles of impeachment, see *ibid.*, 19-55.

⁴ *Ibid.*, 1523.

⁵ Senator Barker was absent throughout the balloting.

⁶ 1923 *Proc.*, 1936-9.

⁷ *Fitzpatrick v. McAlister*, 121 Okla. 83.

brought by the administration to decide the constitutionality of Petition No. 79. The court held it unconstitutional, inasmuch as it had not been included in Walton's first proclamation; and, since the election scheduled for December had not been held, the court declared that the petition had never been legally submitted to the electorate.⁸ The court affirmed that the legislature possessed inherent investigative power, but that, until duly organized, it had no more power to investigate state officers than had any ordinary assembly of citizens.

The thirteen months of forced inactivity merely intensified the determination of the opposition to remove the governor, and when the legislature met in regular session in January, 1929, no time was lost in voting the articles of impeachment.⁹ Six of the eleven counts charged unlawful issuance of deficiency certificates, two claimed illegal appointment, and the other three charged unlawful use of the military to prevent an assembly of the legislature, corrupt use of the pardon power, and general incompetency.¹⁰ The trial lasted from February 11 to March 20, and the record of the proceedings contains more than five thousand pages. Focussing their attention upon the incompetency charge, the managers sought to justify it by showing that the governor was dominated by Mrs. Hammonds. There was no attempt to prove him viciously corrupt or morally derelict. Submitted first, the incompetency article was sustained by a vote of thirty-five to nine.¹¹ Thereafter, the other ten counts were put, but each failed to obtain the necessary majority. The outcome was indeed curious. Johnston was adjudged incompetent, yet no specific act was deemed sufficiently flagrant to merit conviction.

In both these impeachments, the articles were voted in the House by decisive majorities; in fact, twenty of the twenty-two counts voted against Walton secured a three-fourths majority.¹² Upon the receipt of the House message, the Senate in each case suspended the governor. However, when the 1929 message was presented, a senator moved that it be neither received nor filed.¹³ An interesting situation might have

⁸ *Simpson v. Hill*, 128 Okla. 90, 236 Pac. 384.

⁹ *Transcript of Proceedings of the Senate of the Twelfth Legislature, State of Oklahoma (sitting as a Court of Impeachment)*, I, xiv, xv.

¹⁰ *Ibid.*, I, xvii-xxxii.

¹¹ *Ibid.*, II, 5399.

¹² 1923 *Proceedings*, 56.

¹³ 1929 *Proceedings*, I, xxiv.

developed if the motion had carried; but in point of fact it failed. Thirty-one rules of procedure were adopted by the first court.¹⁴ With one omission, the same rules were in force during the second trial. The omitted rule prescribed that members, desirous of questioning witnesses, should reduce their questions to writing and forward them to the presiding officer, who would put them. The court showed no disposition to enforce the rule. On the court there were practicing attorneys who enjoyed questioning witnesses. Further, by putting very leading questions, the members violated the spirit of the rule prohibiting their giving testimony. A few motions from the floor sought to strike such questions, but none carried in the face of the excuse that the member was only seeking to bring out all of the facts. The rules provided that, for the admissibility of evidence, the rules of the criminal courts of the state should obtain.

The Walton attorneys worked under the presumption that an appeal might be taken from the decision of the court. In fact, they entered 170 exceptions to overruled objections, and at the conclusion of the balloting, they asked that a bill of exceptions be prepared. They also made a motion for a new trial, which was denied.¹⁵ The court thereupon adopted a motion denying appeal from its decision. The Johnston attorneys, more conversant with legislative procedure, entered no exceptions, and they accepted the decision without protest.

Many explanations are offered for the popularity of the impeachment process in Oklahoma. To the writer, it seems to flow from five main sources: (1) it is now thoroughly preceded; (2) the population of the state is pronouncedly heterogeneous as to historical antecedents; (3) the Democratic party contains several unreconciled factions; (4) legislative *blocs* make political bartering profitable to members and dangerous to the governor's tenure; and (5) the legislature recognizes in itself the omniscient guardian of the state's welfare, and this hegemony remains unchallenged.

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Impeachment in Texas. The Ferguson case in 1917 represents the only instance of the impeachment and conviction of a state official in

¹⁴ 1923 *Proceedings*, 6-16.

¹⁵ *Ibid.*, 1938.

Texas.¹ The law of impeachment must then be sought in the proceedings of the Ferguson trial, the opinions of the attorney-general, and the opinion of the supreme court in 1924 in the case of *Ferguson v. Maddox*, which reviewed the legality of the 1917 proceedings in determining whether Mr. Ferguson was eligible to have his name placed on the primary election ballot as a candidate for governor.²

Impeachment at a Special Session. The constitution provides that the governor may on extraordinary occasions convene the legislature in special sessions limited to thirty days' duration, during which there shall be no legislation upon subjects other than those designated in the proclamation of the governor calling the session or presented by him.³ The facts in the Ferguson case may be reviewed briefly. The speaker of the House of Representatives, on his own motion, had issued a call for the House to meet in special session on August 1, 1917, to consider the impeachment of the governor. Before the members could assemble, the governor issued a call for a special session of the legislature to meet at the same time as that set by the speaker's call for the purpose of considering the matter of university appropriations. The House proceeded with the investigation and impeached the governor, who was thereupon suspended from office.

The legality of the House's action was upheld in an opinion of the attorney-general on August 21. The law officer concluded that the impeachment power was judicial in nature, that the House, in impeachments, acted, not as a part of the legislature, but as a separate entity, in no way dependent upon the exercise of a legislative or executive power. The limitations and requirements of the constitution as to how and when the legislative power shall be exercised have no application to the use of the impeachment power. Moreover, to hold that the exercise of this power is dependent upon the governor would allow that official to prevent his own impeachment except at a regular session of the legislature.⁴

In the *Maddox* case, the defendant urged the illegality of impeachment at a special session, and added that the charges were adopted by the House at one special session and trial by the Senate was begun,

¹ Cf. "Impeachment of Governor Ferguson," 12 *American Political Science Review* 111-115 (1918).

² *Ferguson v. Maddox*, 263 S. W. 888 (1924).

³ *Constitution*, Art. III, sec. 40; Art. IV, sec. 8.

⁴ *Biennial Report of the Attorney-General*, 427-439 (1916-1918).

but concluded at a subsequent session called by the acting governor.

The supreme court held that the House had authority to impeach the governor and the Senate to enter upon the trial of the charges at the called session of the legislature, although the matter of impeachment was not mentioned in the proclamation convening it. The constitutional powers of the House and Senate in impeachment "are essentially judicial in their nature. Their proper exercise does not, in the remotest degree, involve any legislative function." The section which provides that legislation at a special session shall be confined to the subjects mentioned in the proclamation of the governor convening it imposes no limitation, save as to legislation.

Impeachment proceedings, begun at one session of the legislature, may lawfully be concluded at a subsequent one, the court declared. "Each house is empowered by the constitution to exercise certain functions with reference to the subject-matter; and as they have not been limited as to time or restricted to one or more legislative sessions, they must necessarily proceed in the exercise of their powers without regard thereto."⁵

May the House and Senate meet for impeachment purposes at any time, regardless of the governor, and independently of regular or special legislative sessions? There are no recorded instances of the impeachment and trial of a governor by a self-convened special session, and the authorities are divided.⁶ While the question was not involved in the Ferguson impeachment, the opinion of the attorney-general, noted above, and certain dicta in the Maddox case indicate that had the House and Senate convened without the call of the governor, the validity of the proceedings would have been sustained. The attorney-general was emphatic in his statement that the constitution imposes no limitation upon the power of impeachment. It is vested without limitation as to time of use. The constitution being silent as to when it shall execute the command laid upon it, the House may act at any time.

Similar expressions were used by the court in the Maddox case. "The powers of the House and Senate in relation to impeachment exist at all times. . . . Without doubt, they may exercise them during a special session, unless the constitution itself forbids." "The broad

⁵ Ferguson v. Maddox, 263 S. W. 890-891 (1924).

⁶ M. T. Van Hecke, "Impeachment of Governor at Special Session," *Wisconsin Law Review*, 155-169 (1925).

power conferred by Article 15 stands without limit or qualification as to the time of its exercise.”

To provide a method for the houses to convene for impeachment purposes, when they are not in session, the third called session of the Thirty-fifth Legislature enacted a law supplementing existing provisions on impeachment.⁷ If the House of Representatives is not in session when the cause for impeachment arises, or when it is desired to institute an investigation pertaining to a contemplated impeachment, the House may be convened in any of three ways: (a) by proclamation of the governor, (b) by proclamation of the speaker of the House, which shall be made only when petitioned for in writing by not less than fifty members of the House; or (c) by proclamation in writing signed by a majority of the members of the House.

The Senate may be convened for the purpose of considering such articles of impeachment by the following methods: (a) by proclamation of the governor, or upon his failure to act within ten days after the articles of impeachment are preferred by the House, then (b) by proclamation of the lieutenant-governor, who has fifteen days from adoption of the articles to act, (c) by proclamation of the president *pro tempore* of the Senate, who has twenty days to act; and (d) by proclamation in writing signed by a majority of the members of the Senate.

In the autumn of 1925 an attempt was made to convene the House of Representatives to investigate certain alleged irregularities under the administration of Governor Miriam A. Ferguson. The speaker was petitioned by a number of members to call the House in session, and on November 17 he sought advice from the attorney-general. The law officer, referring to the opinion of his department in 1917 and to the Maddox case, replied that the House and Senate could constitutionally convene, in the manner provided by the statute, for impeachment purposes or to make an investigation pertaining to a contemplated impeachment. But the House and Senate sitting in their judicial capacities in connection with impeachments do not constitute the legislature. As the two bodies would not be assembled for legislative purposes in regular session, or special session called by the governor, no appropriation could be made by the houses to pay the expenses of the session.⁸

⁷ *Laws*, 35th Leg., 3d called sess., 102-106 (1917)

⁸ *Biennial Report of the Attorney-General*, 283-287 (1924-1926).

Three weeks later the attorney-general advised the speaker that the financing, or underwriting, of the expenses of a session of the House for impeachment purposes from private or individual sources (which had been offered) would be unauthorized and unwarranted as against public policy.⁹

In a subsequent opinion to a member of the House, it was held: (1) that members of the House attending a session convened upon proclamation of the speaker would have valid claims against the state for mileage and per diem, notwithstanding the fact that no previous appropriation had been made for such purpose by the legislature; (2) that there would be no legal authority for the House to convene except for actual impeachment purposes or for investigation pertaining to an actual contemplated impeachment; (3) that claims of members of the House for earned mileage and per diem would be assignable, but not in advance of earning; and (4) that it would not be unlawful for citizens to purchase such claims or to announce their willingness to do so. But no agreement could legally be made in advance that they would do so.¹⁰

Faced with these practical difficulties of insuring payment of members of the House, the speaker abandoned the attempt to assemble the members. Thus the question of the constitutionality of a self-convened session of the House for impeachment purposes remains to be judicially determined.

May an Impeached Officer Resign before Final Judgment? Ex-Governor Ferguson contended in the Maddox case that the judgment of the court of impeachment was void, because he was not subject to its jurisdiction, having the day before the court's judgment was pronounced filed his written resignation, to take effect immediately, in the office of the secretary of state. The court denied that the governor could thus escape the impending judgment. The court of impeachment had heard the evidence and declared him guilty. Its power to conclude the proceedings and to enter judgment was not dependent upon the will or act of the governor. "Otherwise, a solemn trial before a high tribunal would be turned into a farce."¹¹

Nature of Impeachable Offenses. The constitution is silent as to what constitutes impeachable offenses; neither does it prescribe the

⁹ *Ibid.*, 211-213.

¹⁰ *Ibid.*, 329-333.

¹¹ P. 893.

mode of impeachment, other than to provide that the power of impeachment shall be vested in the House of Representatives and trial shall be before the Senate, sitting as a court of impeachment, with the senators on oath impartially to try the person impeached. While admitting that impeachable offenses are not defined in the constitution, the Court in the Maddox case held that they are very clearly designated or pointed out by the term "impeachment," which at once connotes the offenses to be considered and the procedure for the trial thereof. "The grant of the general power of 'impeachment' properly and sufficiently indicates the causes for its exercise. . . . There is no warrant for the contention that there is no such thing as impeachment in Texas because of the absence of a statutory definition of impeachable offenses."¹² .

Penalty on Conviction for Impeachment. According to the constitution, "judgment in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust or profit under this state. A party convicted on impeachment shall also be subject to indictment, trial, and punishment, according to law."¹³

The validity of the disqualification part of the judgment of the court of impeachment was attacked in the Maddox case, because the statutes did not provide that impeachment should constitute disqualification to hold office. This was immaterial, said the court, for the constitution, in the matter of impeachment of the officers designated, is clearly self-executing and needs no aid from the legislature. "Obviously the legislature may not deprive the Senate of the power to enter such judgment as the constitution authorizes."¹⁴

When the Supreme Court decided in June, 1924, that Mr. Ferguson was constitutionally ineligible to hold office, the name of his wife was placed on the primary election ballot as a candidate for governor, and in the ensuing campaign she was nominated. Suit was brought to prevent the printing of Mrs. Ferguson's name on the official ballot at the general election in November, on the ground that she was ineligible because, among other reasons, she was the wife of James E. Ferguson, who stood impeached and disqualified to hold any office. Appellant contended that the emoluments of the office of governor were

¹² P. 892.

¹³ *Constitution*, Art. xv, sec. 4.

¹⁴ Pp. 892-893.

community property and that Mr. Ferguson could not receive his community half of his wife's salary without violating the decree of impeachment. The supreme court could not see that Mr. Ferguson would be receiving any emolument or profit derived from any office held by himself. The disqualification insisted upon could be supported on no other theory than that of legal identity of husband and wife, which theory the court repudiated. The constitution limits the Senate's judgment of impeachment to removal and disqualification and will not permit the imposition of penalties on members of the family of an impeached governor.¹⁵

Status of the House and Senate in Impeachment Proceedings. In the Maddox case the court declared that in impeachments the House acts somewhat in the capacity of a grand jury, while the Senate acts as a court. "The Senate sitting in an impeachment trial is just as truly a court as is this court. Its jurisdiction is very limited, but such as it has is of the highest. It is original, exclusive, and final. Within the scope of its constitutional authority, no one may gainsay its judgment."¹⁶

May the Legislature Pardon for Impeachment? The Thirty-ninth Legislature in 1925 enacted a law granting to any person convicted on impeachment "a full and unconditional release of any and all acts and offenses of which he was so convicted," and providing that all penalties or punishment imposed by the impeachment court should be "fully cancelled, remitted, released, and discharged." It was clearly the intent of the law to restore political rights to ex-Governor James E. Ferguson.¹⁷ In response to a request from the House of Representatives, the attorney-general, on February 12, 1925, presented an opinion to the speaker holding this amnesty measure unconstitutional.¹⁸ Legal opinion in general supported the attorney-general's contentions,¹⁹ and the Fortieth Legislature, in 1927, repealed the act.²⁰

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¹⁵ Dickson v. Strickland, 265 S. W. 1012 (1924).

¹⁶ Pp. 890-891.

¹⁷ Laws, 39th Leg., reg. sess., 454-455 (1925).

¹⁸ Biennial Report of the Attorney-General, 199-211 (1924-1926).

¹⁹ See M. T. Van Hecke, "Pardons in Impeachment Cases," 24 *Michigan Law Review* 657-674 (1926); C. S. Potts, "Impeachment as a Remedy," 12 *St. Louis Law Review* 16 (1926).

²⁰ Laws, 40th Leg., reg. sess., 360-361 (1927).

LEGISLATIVE NOTES AND REVIEWS

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Recent Radio Legislation. *International.* The International Convention for the Safety of Life at Sea, and the Regulations annexed thereto, signed at London on May 31, 1929, contain important provisions concerning the installation and use of radio on ships.¹ With certain exceptions, the convention requires the installation of radiotelegraph equipment on all ships engaged on international voyages except cargo ships of less than 1,600 gross tonnage. A passenger ship is defined as one carrying more than 12 passengers, and a cargo ship as any ship which is not a passenger ship. There are detailed provisions in Chapter 4 of the convention concerning watches, watchers, and technical requirements; and that chapter also incorporates by reference the pertinent provisions of the International Radiotelegraph Convention and Regulations signed at Washington in 1927. Of the other articles of the convention which contain stipulations concerning radio, the most important are those relating to meteorological services (Art. 35), distress and alarm signals and distress messages (Arts. 42-45), and direction-finding apparatus (Art. 47). The convention is to come into force on July 1, 1931, as between governments which have deposited their ratifications by that date, provided at least five ratifications have been deposited.

It is apparent on the face of the safety-of-life-at-sea convention that great care was used to prevent conflicts between it and the International Radiotelegraph Convention. The Final Act contains a number of suggestions for changes in the latter convention, addressed to the signatories of that instrument. The new safety-of-life-at-sea convention marks a substantial advance over the 1914 convention on the same subject, which never came into force and is not well adapted to

¹ The report of the delegation of the United States, published as Conference Series No. 1, of the Department of State, contains the text of the Convention, Regulations, and Final Act. The Convention was signed by Germany, Australia, Belgium, Canada, Denmark, Spain, Irish Free State, United States of America, Finland, France, Great Britain and Northern Ireland, India, Italy, Japan, Norway, Netherlands, Sweden, and the Union of Socialist Soviet Republics.

present conditions. In its radio provisions, it sets higher standards than does the 1912 act which provides for radio installations on American ships. Recommending the favorable reception of the convention by the United States, the American delegation in its report states with reference to the chapter on radiotelegraphy: "The whole effect of this chapter of the convention, in the opinion of your delegation, is to elevate the legal standards of the world and of the United States."

Article 5 of the General Regulations annexed to the Washington Radiotelegraph Convention contains a table showing the allocation of frequencies to the various types of radio services. The European Radio Conference held at Prague, April 4-13, 1929, had as a major purpose the further allocation of the frequencies in the European broadcast band among the several European countries.² Some frequencies not allocated to broadcasting in the 1927 Regulations were assigned to that service by the Prague conference, due largely to the fact that the Soviet government did not participate in the Washington conference and did not consider itself bound by decisions reached at Washington, and to the further fact that the Washington Regulations permit assignments of frequencies for services other than those designated in the Regulations, subject to the condition that the assignment shall not cause interference with services for which the particular band was designated in the Regulations. The assignment of frequencies for broadcasting, which became effective on June 30, 1929, involved a total of 144 channels, of which 129 are exclusive to particular countries and 15 are shared by two or more countries.

The plan adopted appears to reflect a desire to accommodate the existing broadcasting stations and to assign them the frequencies upon which they had been operating, rather than an adherence to engineering principles. The frequency separation most often used was 9 kilocycles, though assignments were made as close together as 4.5 kilocycles and as far apart as 47 kilocycles. In view of the conflicting demands

² *Documents de la Conférence Radioélectrique Européenne de Prague, 1929*, published by the International Bureau of the Telegraph Union. The final protocol was signed by representatives of the following administrations: Germany, Austria, Belgium, Bulgaria, Denmark, Spain, Estonia, Finland, France, Great Britain, Hungary, Irish Free State, Iceland, Italy, Latvia, Monaco, Norway, the Netherlands, Poland, Roumania, Kingdom of the Serbs, Croats and Slovenes, Sweden, Switzerland, Czechoslovakia, Turkey, and Union of Socialist Soviet Republics. The United States and the Dutch East Indies had observers at the conference.

of states as close together geographically and as nationalistic as those in Europe, the assignment of broadcast frequencies is a complicated matter. One result of that situation was the adoption by the conference of a resolution suggesting that the administrations study a better arrangement of frequencies to permit an increase in the number of frequencies available for broadcasting—clearly presaging a determined effort to extend the broadcast band when the next international radiotelegraph conference meets at Madrid in 1932.

In addition to the allocation of frequencies (known as the Prague Plan), the final protocol contains provisions on a number of other matters. The International Radiophone Union, an organization of European broadcasting agencies, was officially recognized by the participating administrations and was made an important factor in determining changes which may later be made in the Prague Plan. The Belgian government was requested to arrange for the measurement of the waves of all European broadcasting stations. The protocol contains a number of resolutions requesting the administrations to take specific steps to insure more satisfactory broadcast transmission and reception. The principal tasks before the conference were of interest primarily to European states; but the adoption of a list of questions which it was suggested that the International Technical Consulting Committee on Radio Communications (commonly known as the C.C.I.R.) study at its meeting scheduled for The Hague in September was of interest to the observers from the United States also.

That committee, which was provided for by Article 17 of the Washington convention and Article 33 of the General Regulations annexed to that convention, held its first meeting at The Hague, September 18-October 2, 1929, with sixteen questions, most of them of a very technical nature, on its agenda.³ The committee's function is limited to giving advice on technical questions which it has studied. Among the problems on the agenda were the definitions of various terms; measures to standardize frequency meters; the tolerance permissible for the difference between the mean frequency of missions and the notified frequency; the width of the frequency band; the necessary separation between two successive frequencies; and others of like character. The delegations were largely composed of technical experts; their conclu-

³ For a discussion of the controversy over the creation of the committee, see an article on "The International Radiotelegraph Conference of Washington" in 22 *Amer. Jour. Int. Law* 28-49, at pp. 45-46.

sions, based upon the best present engineering practice and the reasonable expectations for the near future, will undoubtedly assist in securing higher and more nearly universal standards of radio transmission and reception and in making available a larger number of communication channels. The standards set by the committee are important because of the decision of the participating administrations to endeavor to obtain national acceptance of them, and because of the great weight which will undoubtedly be given them in the radio-telegraph conference which is to meet in 1932. The C.C.I.R. is not a permanent body; at the meeting at The Hague it was decided that not even a permanent secretariat was authorized, the International Bureau of the Telegraph Union serving in that capacity. The next meeting of the committee is to be held at Copenhagen in 1931. The Hague meetings placed seven questions on the agenda of the Copenhagen session; others may be added later by the participating administrations.

At the International Radiotelegraph Conference of Washington in 1927 a committee was appointed to look into the matter of revising the international code of signals, bringing it up to date, providing better facilities for intercommunication by the vessels of diverse nationalities and, in general, perfecting the code which by that time had become more or less obsolete. The recommendations made by the committee appointed to consider the matter were approved by the conference and, as a result, for the past year an international committee has been holding meetings in London. The new code will permit of intercommunication in English, French, Italian, German, Japanese, Spanish, and one of the Scandinavian languages. The arrangement will be such that, for example, the master of an English vessel can prepare a code message in his own language and transmit it to the master of a French vessel, who will decode the message directly into the French language without the intermediate step of translation. This will provide a great facility for the exchange of important information between vessels, in whatever part of the world they happen to be. The new code will be a rather extensive work and will be provided with every possible safeguard for accurate communication in code.⁴

National. While a number of measures pertaining to radio have

⁴ The writer is indebted to Major William F. Friedman, cryptanalyst in the office of the Chief Signal Officer, for the information concerning the international code of signals.

been introduced in the Seventy-first Congress, only one had become law by the time this note was written (June 1). The most important of the bills which have been discussed, but not passed, is the Couzens bill (S. 6, 71st Cong., 1st sess.) for the regulation of the transmission of intelligence by wire or wireless. That measure contains the most comprehensive regulations concerning radio ever seriously considered by a congressional committee. The regulations center about a proposed new communications commission. It does not seem advisable to outline the provisions of the measure at this time, for the bill will probably be rewritten as a result of public hearings and still further changed on the floor of Congress. Public hearings were held by the Senate committee on interstate commerce at various times between May 8, 1929, and February 8, 1930, and the record of those hearings, printed in fifteen parts, contains much valuable and hitherto inaccessible information concerning radio operations.

The second bill, which placed the original jurisdiction of the Federal Radio Commission upon a permanent basis, passed both houses and was approved by the President on December 18, 1929 (Public No. 25). The 1927 act had given the commission original jurisdiction for a single year; amendments in 1928 and 1929 had extended that jurisdiction until December 31, 1929, and the annual salaries of the commissioners until March 16, 1930. The present act provides that, wherever any reference is made in the 1927 act to the period of one year from the first meeting of the commission, this period is extended until such time as is otherwise provided by law. There is a similar extension of the period during which the commissioners are to receive annual salaries of \$10,000. The effect of the act is to introduce an element of permanency into the organization charged with the administration of the radio act. The new law also greatly improves the situation of the commission from an engineering standpoint. Until its passage, the commission was forced to borrow engineers from other branches of government service. The commission is now authorized to appoint a chief engineer at a salary of \$10,000 a year, two assistants to the chief engineer at \$7,500 each, and such other technical assistants as it may from time to time find necessary and as may be appropriated for by Congress.

State. A pamphlet written by two members of the legal division of the Federal Radio Commission outlines state legislation in the field

of radio prior to the spring of 1929.⁵ There has been little state radio legislation of general interest since that time.

By a resolution approved May 10, 1929 (S. Conc. Res. No. 22, Stats., 1929, p. 2225), the legislature of California directed the state railroad commission to make a complete study of interference with radio broadcasting reception in the state of California caused by the operation of high voltage transmission lines and other electric lines, equipment, and devices, and to present its conclusion, with recommendations for eliminating or mitigating such radio interference, in a report to be filed with the governor not later than December 1, 1930.

A South Dakota act approved March 13, 1929 (*Laws*, 1929, ch. 196), empowers municipal corporations to regulate the installation and operation of motors and other electrical and mechanical devices so as to prevent interference with radio reception.

By an act approved May 15, 1929 (*Public Acts*, 1929, No. 152), the Michigan legislature authorized the state administrative board to establish one or more radio broadcasting stations to be used for police purposes only. Each sheriff is to receive without cost a receiving set, to be maintained at the expense of the county; and cities may purchase from the state at cost receiving sets for police purposes. The commissioner of the department of public safety is to broadcast "all police dispatches and reports submitted, which in his opinion shall have a reasonable relation to or connection with the apprehension of criminals, the prevention of crime, or the maintenance of peace and order in this state, it being the intention of this act to aid and assist peace officers in the discharge of their duties." The telegraph and telephone companies are directed to give priority to messages or calls addressed to the broadcasting station. No person may equip an automobile with a short wave length receiving set, or use an automobile so equipped unless such automobile is used or owned by a police officer, without first securing a permit to do so from the commissioner of the department of public safety. Violation of the immediately preceding provision is a misdemeanor, as is also the willful making to the state broadcasting station of any false, misleading, or unfounded report for the purpose of interfering with the operation of the station, or with the intention of misleading any peace officer in the state.

Much more comprehensive than any of the foregoing is a New

⁵"State and Municipal Regulation of Radio Communication," by Paul M. Segal and Paul D. P. Spearman (Washington, Government Printing Office, May, 1929).

Jersey law approved March 18, 1930 (*Laws of 1930*, Chap. 15), which has as its opening sentence: "No radio broadcasting station or transmitter shall be constructed or operated in this state unless and until a certificate of public convenience and necessity therefor shall have been granted by the Board of Public Utility Commissioners." The board is authorized to grant the certificate if, after hearing, it finds that public safety and convenience will be served by the erection and operation of the station or transmitter, and that its operation will not cause undue or unreasonable blanketing or interference with radio transmission and reception. The board may incorporate in the certificate such reasonable restrictions and conditions as it may deem necessary or proper to avoid undue or unreasonable blanketing or interference. The application for the certificate must set forth such information as the board may require, including the frequency and power to be used, hours of operation, type of apparatus, etc. No certificate of public convenience and necessity, nor any license or privilege arising therefrom, may be transferred without the approval of the board. Upon receipt of any application under the act, the board is to give notice to the clerk of the municipality where the station is to be located, and to the owners of all existing radio broadcasting stations or transmitters within the state.

The act exempts existing broadcasting stations and transmitters from the requirement of a certificate of public convenience and necessity, but applies "to any future transfer of any existing broadcasting station or transmitter and to any change in the existing power, wave length, frequency, or hours of operation of an existing broadcasting station or transmitter," with the exception of certain municipal stations. Violation of the act, or of any conditions or restrictions imposed by the board in any certificate of public convenience and necessity, is subject to a penalty of \$100 for each day during which the violation continues. The attorney-general is also authorized and directed to institute proceedings for an injunction to restrain the erection or operation of any broadcasting station or transmitter, or the transfer thereof, or the assignment or transfer of any certificate of public convenience and necessity, in violation of the provisions of the act. The New Jersey act traverses much of the ground covered by the radio act of 1927; and it is difficult to see how it can be applied in its entirety without coming into conflict with the federal provision.

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STATE CONSTITUTIONAL LAW IN 1929-1930

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A. AMENDMENT OF STATE CONSTITUTIONS

State courts determine, in the absence of constitutional provision to the contrary,¹ whether amendments to state constitutions have been proposed and adopted in the manner provided for these constitutions.² Not every minor deviation from the course of action marked out in the constitution for its amendment is deemed sufficient to justify the court in declaring that the amendment has been "unconstitutionally adopted," but whether these deviations are serious enough to warrant such a declaration is a question to be determined by the courts themselves.³ Statutes supplementing constitutional provisions on the subject of amendment are valid if not in conflict with the constitutional provisions themselves, and substantial compliance with these rules is also required by the courts.⁴ Sometimes the provisions regulating the subject of publication of proposed amendments are constitutional; at other times they are statutory. In either case, publication in the manner provided for, and for the period of time provided for, is necessary to the validity of the amendment. Publication for two weeks, when the period should have been four weeks, was deemed sufficient by the Nebraska court to invalidate the amendment involved.⁵

An amendment providing for an issue of bonds for the financing of a highway system, and also including details of the location of highways and specifications of uses to which certain funds should be put, was held by the Missouri court not to conflict with Art. XV, Sect. 2, of the constitution of that state, which provides that "no proposed amend-

¹ Some state constitutions provide that certain officers other than judges shall determine whether or not an amendment has been adopted by the required number of votes, and in these states the courts will not determine the question. For a discussion of this problem, see *McClurg v. Powell*, 77 Miss. 543, 27 So. 927 (1900).

² *Board of Liquidation v. Whitney-Central Trust & Savings Bank*, 122 So. 850 (La., 1929).

³ *Middleton v. Police Jury*, 125 So. 447 (La., 1929).

⁴ *State v. Cline*, 224 N. W. 6 (Neb., 1929).

⁵ *Ibid.*

ment shall contain more than one subject and matters properly connected therewith."⁶ The court felt that these items were "properly connected," and that they constituted parts of one general scheme of highway improvement and financing. The inclusion of details which are ordinarily left to statute was held not to be fatal to the amendment.

Art. XX, Sect. 1, of the Idaho constitution provides that it shall be the duty of the legislature to submit amendments to the electors of the state at the next general election following their proposal, and cause the same to be published. Publication in accordance with this provision was held insufficient to cure a defect in submission, the defect being that the legislature had proposed an amendment fixing the terms of certain officers at four years, while the question submitted to the voters was whether the terms of office should be limited to four years.⁷

B. STRUCTURE AND FUNCTIONS OF GOVERNMENT

1. **Separation of Powers.** The Louisiana court refused to decide whether the state had a republican form of government, and in so doing affirmed an old principle, that the determination of this question is political, not judicial.⁸

Another example of judicial hesitance in exercising power deemed properly not to belong to the judicial branch of government is that of refusing in criminal cases to fix penalties which are different from those fixed by the legislature. The Texas court refused to overturn the verdict of a jury in *Allen v. State*,⁹ because, among other things, by so doing it would be changing penalties.

However, the Colorado court felt that the legislature had interfered unduly with the prerogative of the judiciary to decide legal disputes when it was asked to uphold a statute which directed the courts to grant a divorce on the application of either party to a marriage. Under this statute, the guilty party as well as the innocent one could petition for a divorce, and this seemed to the court to be so contrary to the fundamentals of good public policy that it declared the statute unconstitutional, although the opinion gives no convincing indication that there was anything in the constitution with which the legislation

⁶ *State ex rel. Highway Comm. v. Thompson*, 19 S.W. (2d) 642 (Mo., 1929).

⁷ *Lane v. Lukens*, 283 Pac. 532 (Ida., 1929).

⁸ *Borden v. La. State Bd. of Educ.*, 123 So. 655 (La., 1930).

⁹ *Allen v. State*, 21 S.W. (2d) 527 (Tex., 1929).

in question came into conflict.¹⁰ To the writer, the dissenting judges won the argument, but not the case. In Kansas, legislation regulating the procedure to be followed in disbarring attorneys was upheld, despite the fact that the courts had only ministerial functions to perform in entering the order of disbarment, once the grounds for disbarment were established—in the particular case by conviction of crime.¹¹

The county court in Illinois can be given supervision over judges of election and may discipline them by proceedings for contempt.¹² Arizona courts will not render declaratory judgments unless such judgments will put an end to the uncertainty giving rise to the dispute sought to be settled by the judgment. In the instant case, the judgment was refused because not all interested parties were shown to have been joined in the action. The constitutionality of the Uniform Declaratory Judgments Act as adopted by the Arizona legislature was affirmed by this same decision.¹³

In *Smith v. Patterson*,¹⁴ a statute giving to the state board of education power to allocate funds to the various schools under its control was sustained against the objection that the function of allocating funds to schools was essentially a legislative function. Another case involving the delegation of legislative power to an administrative body was *State v. Moorer*,¹⁵ in which the supreme court of South Carolina held invalid a statute giving to the highway commission a choice between two alternative methods of financing a highway building project. The court distinguished this type of statute from that in which a designated event was to occur before specified official action should be engaged in, saying that the latter type of statute was valid, while the former, i.e., the type of statute involved in this case, was invalid. The court formulated its explanation of the reason for the decision in the statement that the "act" was not "complete" when it left the hands of the lawmakers. This, of course, is only an indirect

¹⁰ *Walton v. Walton*, 278 Pac. 780 (Colo., 1929). See *Caylor v. State*, 121 So. 12 (Ala., 1929).

¹¹ *In re Casebier*, 284 Pac. 611 (Kan., 1930).

¹² *People v. Wortman*, 334 Ill. 298, 165 N.E. 788 (1929). See *People v. White*, 334 Ill. 465, 166 N.E. 100 (1929).

¹³ *Morton v. Pac. Constr. Co.*, 283 Pac. 281 (Ariz., 1929).

¹⁴ *Smith v. Peterson*, 279 Pac. 27 (Ore., 1929).

¹⁵ *State v. Moorer*, 150 S.E. 269 (S.C., 1929).

method of saying that the act left to the highway commission too much leeway in the formulation of the policy to be pursued in financing the highway.

As to the problem of delegating powers to local communities, the Indiana court held that the combination of executive and legislative functions in a single municipal organization is permissible, sustaining at the same time the city manager statute against the contention that it violated the separation-of-powers provision of the Indiana constitution, and that it delegated to the voters the power to determine whether it should take effect. The court stated that the statute was complete when it left the hands of the legislature; that the taking of a vote was an event upon which certain action under the statute was to be predicated; and that the statute took effect immediately upon its enactment, the vote on the part of the municipal electorate adding nothing to the law.¹⁶ A city council can be given authority to fix values in condemnation proceedings, and this is not an unconstitutional delegation of judicial power to the council.¹⁷ This is in part a legislative function, according to the court, although it is sufficiently non-legislative in character so that it could be appealed from to a court, but on the other hand not so judicial but that it could be given to a council.

2. **The Judiciary.** Several statutes were declared unconstitutional by state courts during the past year, and the problem of the effect of such decisions was considered in some of the cases. One of them, an Indiana case,¹⁸ held that an amendment of 1929 could not save a statute enacted in 1921, although the 1921 statute was not declared unconstitutional until after the amendment had been enacted into "supposed" law by the legislature. This is an extreme decision, and applies the void *ab initio* doctrine to its logical conclusion. The cases on this point are not in harmony, some courts holding exactly opposite to the instant case.¹⁹

Several questions concerning the organization and jurisdiction of state courts were decided during the past year, among them one in Georgia relative to the term of the county ordinary. The constitution

¹⁶ *Sarlis v. State*, 166 N.E. 270 (Ind., 1929). But see the later case, holding the statute invalid on other grounds, *infra* note 51.

¹⁷ *In re Improvement of Third Street*, 225 N.W. 86 (Minn., 1929).

¹⁸ *Keane v. Remy*, 168 N.E. 10 (Ind., 1929).

¹⁹ The author is at present preparing a study of curative and amendatory statutes and the effect of an unconstitutional statute.

of Georgia provides that in addition to the fixed term these officers shall hold office until their successors are elected and qualified. What should be done if an ordinary is ousted by *quo warranto* proceedings? The Georgia court held that he retained office until a successor qualified.²⁰ In Texas, "all officials within the state shall continue to perform the duties of their offices until their successors shall be duly qualified," and this was applied to the office of judge.²¹ The constitutional four-year term of Texas judges cannot be cut short by a statute reorganizing a judicial district.²²

Vice-chancellors in New Jersey may be appointed by the chancellor, in accordance with statute, and this is not an unconstitutional interference with the governor's power of appointment. The constitution does not specifically refer to vice-chancellors, and they are appointed as common law officers by the chancellor, chancellors at common law having exercised this power. The statute was merely declarative, therefore, of a common law practice which had not been prohibited by any constitutional provision.²³

A statute conferring on the Appellate Court in Illinois power to give a final judgment in contract cases was upheld, but the court pointed out that an opportunity for further review, by the supreme court of the state, of questions involving constitutional rights must be afforded, and that such an opportunity existed in the common law writ of error.²⁴ Where an appellate court is given appellate jurisdiction by the constitution, either expressly or impliedly including *certiorari*, the legislature cannot substantially interfere with this jurisdiction,²⁵ and prescribing too brief a period of time in which the writ may be asked for is a substantial interference. The same result was reached as to the writ of prohibition in Utah, where the legislature was held not to have the power to control the use of this writ, the common law rules governing instead.²⁶

A Texas case involved a statute which provided that justices of the peace should receive fees only in cases of conviction if the case

²⁰ *Lee v. Byrd*, 151 S.E. 28 (Ga., 1929).

²¹ *Hardaway v. State*, 22 S.W. (2d) 919 (Tex. Crim. App. 1929).

²² *State v. Manry*, 16 S.W. (2d) 809 (Tex., 1929).

²³ *In re Vice Chancellors*, 148 Atl. 570 (N.J., 1930).

²⁴ *Brown v. Kienstra*, 169 N.E. 736 (Ill., 1930).

²⁵ *Palmer v. Johnson*, 121 So. 466 (Fla., 1929).

²⁶ *Barnes v. Lehi City*, 279 Pac. 878 (Utah, 1929).

were criminal. This was said by the court to be an attempt indirectly to destroy the justice of peace courts.²⁷ In Michigan, it was held that the legislature could not deprive the courts of the power to decide whether in a negligent homicide case the driver was going at an immoderate rate of speed, the statute being declared invalid because it provided that this question should be left to the jury.²⁸

Contempt. Few significant cases of contempt have appeared in the recent reports. In Illinois, it was held that the county court could be given supervision over election officials and could punish their misbehavior by proceedings in contempt;²⁹ in Kentucky, officers of a county were punished for refusing to pay a claim resulting from a judicial decree for compensation for certain services which had been performed, the decree being in accordance with statute, and the plea of insufficient money in the treasury to pay other obligations was held inadequate to purge of contempt;³⁰ while in Oklahoma one case held that the legislature could regulate the procedure to be followed in cases involving civil contempts.³¹

3. The Legislature. The constitution of Oregon provides in Art. IV, Sect. 29, that the compensation of legislators shall be three dollars per diem, and fixes a maximum sum of one hundred and twenty dollars per session. Specified allowances are made also for traveling expenses. The last session of the legislature tried by joint resolution to increase the allowance of its members by authorizing the payment to each of them of five dollars per diem for incidental expenses. A taxpayer succeeded in having this declared unconstitutional.³² The court felt that although the salary fixed by the constitution is inadequate, it was not warranted in sustaining an increase in this indirect manner, because if the framers of the constitution had wished to include such allowances they would have mentioned them, having mentioned traveling expenses. Art. V, Sect. 49, of the Oklahoma constitution forbids increase in either the number or salaries of employees of the legislature except by a general law, which cannot take effect during the session in which it is enacted. The supreme court of

²⁷ *Ex parte Richmond*, 14 S.W. (2d) 851 (Tex. Crim. App. 1929).

²⁸ *People v. McMurchy*, 238 N.W. 723 (Mich., 1930).

²⁹ *People v. White*, 334 Ill. 465, 166 N.E. 100 (1929).

³⁰ *Livingston County v. Crossland*, 299 Ky. 733, 17 S.W. (2d) 1018 (1929).

³¹ *Ex parte Morse*, 284 Pac. 18 (Okla., 1930).

³² *James v. Hoss*, 285 Pac. 205 (Ore., 1930).

the state held that this did not apply to the case of the senate while sitting as a court of impeachment—that this restriction operated upon the legislature as a legislative, i.e., a law-making body, and not upon it as a judicial body.³³

The provision of the Tennessee constitution that “no senator or representative shall, during the time for which elected, be eligible to any office or place of trust, the appointment to which is vested in the executive or general assembly, except to the office of trustee of a literary institution,” was held to prevent a member of the legislature from becoming a member of a road board, the board having charge of the location, financing, and building of certain county roads in the state.³⁴

Legislative declarations of emergencies with a view to withdrawing legislation from the operation of the referendum are forbidden in some state constitutions as to certain subjects, e.g., taxation. But such a declaration does not always operate to vitiate the entire statute if it is otherwise valid.³⁵ In other states, tax laws may be declared to be emergency measures, and the courts will in this case decide whether an emergency really existed; and the immediate need of money with which to operate state institutions was held in Arkansas to constitute a proper reason for declaring an emergency to exist.³⁶

The power of legislative bodies to summon witnesses to testify before investigating committees was before the California court in *ex parte Batelle*.³⁷ The legislature was investigating an alleged cement trust and certain witnesses refused to appear for examination. The court upheld the power of the legislature or one of its committees to declare the recalcitrant witness in contempt, but ruled that the witness must be given an opportunity to appear and purge himself of contempt. The order issued by the legislature in contempt proceedings must recite the facts and reasons for punishment, not merely the conclusions of the committee or house.³⁸

4. The Administrative Branch. The constitution of Florida provides that state officers must be either elected by the people or ap-

³³ *Shaw v. Grumbine*, 278 Pac. 311 (Okla., 1929).

³⁴ *State v. Phillips*, 159 Tenn. 546, 21 S.W. (2d) 4 (1929).

³⁵ *Smith v. Peterson*, 279 Pac. 27 (Ore., 1929).

³⁶ *Stanley v. Gates*, 19 S.W. (2d) 1000 (Ark., 1929).

³⁷ *People v. Borgeson*, 335 Ill. 136, 166 N.E. 451 (1929).

³⁸ *Ex parte Batelle*, 277 Pac. 738 (Cal. 1929).

pointed by the governor. This was held to prevent the appointment of a state veterinarian by the Live Stock Sanitary Board, because the state veterinarian is an "officer."³⁹

Several Kentucky cases helped clarify the rules regulating the power of the governor of that state to appoint and remove officers. In *Bell v. Sampson*,⁴⁰ the court of appeals of that state held (1) that the senate has notice of interim appointments which have been made by the governor during a recess of the senate; (2) that the failure of the senate to act on an appointment by the governor does not constitute senatorial confirmation; (3) that senatorial confirmation is required unless the statute clearly dispenses with it; and (4) that the office to be filled by appointment becomes vacant in case the senate at its next session does not act on the appointment. In *McChesney v. Sampson*,⁴¹ it was held (1) that the power to remove would not be implied from the power to appoint, in the case of the governor, unless the term of office was indefinite and the power to appoint general, and no other method of removal existed; (2) that a statute giving to the governor the power to remove an officer with the consent of the senate did not apply to appointments not confirmed by the senate; (3) that an appointee holding office under a statute providing that the senate should act on the appointment at its next session actually holds the office, and that unless the governor is clearly given the power to remove him the appointee holds the office until the end of the following session of the senate; and (4) that the governor could fill the office after the following senatorial session had ended without action being taken on the appointment because of the vacancy thus resulting, but that the person appointed to fill this vacancy could not then be removed by the governor until the end of the next following session of the senate. In *Votteler v. Fields*,⁴² a case decided in 1926, but not reported until this year, the same court held, with respect to the rules governing removal, that the rules stated in the cases previously discussed applied to another office. This case was really a precedent for the court in the *McChesney* and *Bell* cases.

In Minnesota, the governor is authorized by statute to remove, for cause shown, a number of county officers, among them the county

³⁹ *McSween v. State Livestock Sanitary Board*, 122 So. 239 (Fla., 1929).

⁴⁰ *Bell v. Sampson*, 232 Ky. 376, 23 S.W. (2d) 575 (1930).

⁴¹ *McChesney v. Sampson*, 232 Ky. 395, 23 S.W. (2d) 584 (1930).

⁴² *Votteler v. Fields*, 232 Ky. 322, 23 S.W. (2d) 588 (1926).

attorney. This power was held to be a discretionary one, not of a ministerial nature, and as a result the governor could not be compelled by mandamus proceedings instituted by a private individual to remove a county attorney.⁴³

The power to remove is in a sense an executive power and is closely linked with the power of appointment and the power of supervision, both of which are normally considered executive functions. The removal power, however, is sufficiently judicial in its characteristics, especially if preceded by notice and hearing, to justify a court in reviewing a removal proceeding, even if the act of removal be one performed by the governor. It is sufficiently judicial to permit this, but not so judicial that the governor cannot perform it.⁴⁴ Removal from office does not, in the absence of specific provision to the contrary, disqualify the person removed from becoming his immediate successor.⁴⁵ Parish registrars in Louisiana are in some cases appointed by the police jury. If the jury does not do so, the governor may make the appointment. The governor, acting in conjunction with two other officers, may remove them. In the instant case, the registrar had been removed. The police jury thereupon appointed the ousted person to the office from which he had been ousted. Subsequently the governor appointed another person to the same office. The court, in conformity with the rule just stated, held that the police jury could make the appointment, the removed person not being disqualified from holding the office from which he had been removed. The possible *impasse* which could thus occur between the state and local authorities was recognized, but the court felt that this would have to be remedied when it came about, if it could be, by holding that stubborn action would not be permitted, or by political action of some sort.

In Montana, the legislature imposed certain oil testing duties upon the head of the chemistry department of the state college of agriculture and mechanic arts. This was sustained, the court saying that such a function was not inconsistent with the purposes of an educational institution of this type, and pointing out also that the legislature was given wide control over the higher institutions of learning of the state. The fact that no provision had been made for compensating an assistant for this extra work was not fatal, because the head of the department

⁴³ *State v. Christianson*, 229 N.W. 313 (Minn., 1930).

⁴⁴ *State v. Ballentine*, 150 S.E. 46 (S.C., 1929).

⁴⁵ *State ex rel. Arceneaux v. Breaux*, 125 So. 283 (La., 1929).

had adequate help as it was, and the statute did make provision for payment of the laboratory expenses of testing. The court decided also that the money to meet these additional expenses could be paid from a fund made up from license fees collected from operators of gas stations, some question having arisen as to whether money from this fund could be used without the permission of the public service commission.⁴⁶

Members of the board of higher education of Oregon can hold office for more than four years, because they are not officers.⁴⁷

Soldiers' preference laws were considered in a Massachusetts⁴⁸ and a California⁴⁸ case. Courts do not agree on the validity of these laws, but they are usually upheld if the preference is so phrased that qualifications connected with the position to be filled are not entirely disregarded. However, if the statutes give an absolute preference, irrespective of qualifications, they are sometimes held invalid.

A Montana case involved the provision of the constitution of that state which restricts the legislature in giving state administrative officers the power to supervise or interfere with any municipal function. It was held that this does not prevent the state fire marshal from exercising statutory power in municipalities to condemn buildings which are fire traps. This restriction does not apply to the performance of state police functions, said the court, but only to the proprietary functions of the city.⁵⁰ The Indiana city manager law of 1921, as amended in 1929, was declared invalid in *Keane v. Remy*,⁵¹ partly on the ground that it gave to the city clerk judicial power when it imposed upon him the duty to decide whether signers of petitions for an election to vote on the adoption of the city manager plan were qualified electors, and partly on the ground that it was impossible for him to perform the work allotted to him by statute and for the performance of which it provided no help, and finally because it gave to some citizens some privileges and immunities which it did not give to others, contrary to Art. IV, Sect. 23, of the state constitution. The

⁴⁶ *State v. Brannon*, 283 Pac. 202 (Mont., 1929).

⁴⁷ *Smith v. Patterson*, 279 Pac. 271 (Ore., 1929).

⁴⁸ *Cook v. Mason*, 283 Pac. 891 (Cal. App. 1929).

⁴⁹ *City of Lynn v. Commr. of Civil Service*, 169 N.E. 502 (Mass., 1929). See for a general discussion of this topic, 28 *Mich. L. Rev.* 614.

⁵⁰ *State v. Cook*, 276 Pac. 958 (Mont., 1929).

⁵¹ *Keane v. Remy*, 168 N.E. 10 (Ind., 1929).

opinion seems to the writer to be very weak; the dissenting opinion is much the more convincing of the two.

Pardon. According to a South Carolina case,⁵² a pardon obtained by fraud cannot be revoked, once it is delivered, the court treating a pardon as though it were a deed; while a Kentucky case holds that a pardon obtained by fraud can be set aside by the judiciary.⁵³ Two problems arise in this type of case; one deals with the separation of powers, i.e., the relation of the executive to the judiciary, and the other deals with the similarity of a pardon to a deed. The view of the Kentucky court that judicial action nullifying a pardon obtained by fraud is not an interference with the executive seems sound, and on the other hand the view (recently taken by the Supreme Court of the United States also) that a pardon is not to be considered as a deed, but as an act of importance to society, as well as to the particular individual involved, appeals to a student of government. Whether or not a pardon can be revoked should not depend upon the technical rules governing delivery of evidences of title to property, but rather upon questions of social policy with respect to persons convicted of crime.

5. *Finance and Taxation.* In *People v. Tremaine*,⁵⁴ the New York Court of Appeals invalidated a statute providing that the chairmen of designated committees in the two houses of the legislature should act with the governor in approving segregations of lump-sum appropriations, partly because the statute conferred administrative power on members of the legislature, thus being contrary to Art. III. Sect. 7, of the constitution. The heads of departments, as a result, were left in charge of the allotment of funds, excepting the particular fund to be used for buildings for which this special commission had been created.

The issuance of certificates of indebtedness in anticipation of appropriated income was held in Alabama not to create a new debt. The money for the institutions involved had been appropriated for a four-year period, but was made available in annual installments. To anticipate this income, said the court,⁵⁵ was not to create a new debt. The

⁵² *Ex parte Bess*, 150 S.E. 54 (S.C., 1929).

⁵³ *Adkin v. Commonwealth*, 23 S.W. (2d) 277 (Ky., 1929).

⁵⁴ *People v. Tremaine*, 252 N.Y. 27, 168 N.E. 817 (1929). See the analysis of this and the several other points in this case, in Crawford "The Executive Budget Decision in New York," in this *Review*, vol. 24, p. 403.

⁵⁵ *In re Opinions of Justices*, 126 So. 161 (Ala., 1930).

plan recently adopted by several state universities and colleges whereby dormitories are financed privately to begin with, but leased and sold to the school through the payment of so-called rent, was again sustained, this time by the North Dakota court.⁵⁶

Taxation. Land held by a state university is exempt from taxation, even though it is leased to a private corporation for business purposes. Exemption from taxation is usually construed strictly against the person claiming it, but when the exemption is in favor of a governmental institution the rule is not applied. The title, not the purpose to which land is put, is the test, according to the Wisconsin court.⁵⁷ The Idaho court upheld an exemption by statute of a power company engaged in furnishing power for irrigation projects. Neither did this constitute a lending of credit to the company.⁵⁸

A somewhat intricate case is that of *Eyers Woolen Co. v. Town of Gilsum*.⁵⁹ A New Hampshire statute exempting a proposed woolen mill from taxation for ten years was approved by the voters of a town, but the state tax commission notified the owners of the mill that they believed the statute to be invalid. The owners proceeded to build the mill and asked for an abatement of taxes. The statute was subsequently held to be invalid because the exemption was not for a public purpose and because it loaned the aid of the town to a corporation organized for "dividend or profit." The tax could be collected. The court distinguished this case from others in which the town was not permitted to tax, despite the invalidity of the exemption statute, by pointing out that here there was a prior valid tax law, while in those cases there had not been any such law. Because of the notice of alleged invalidity received from the tax commission, the doctrine of estoppel would not apply.

Art. VIII, Sect. 9, of the New York constitution provides that no public money shall be used for private undertakings, and under this provision the courts will determine whether a sufficient moral obligation exists to warrant payment to a private individual of a claim presented by him against the state. The New York Court of Claims

⁵⁶ *State v. Davis*, 299 N.W. 105 (N.Dak., 1930).

⁵⁷ *Aberg v. Moe*, 224 N.W. 132 (Wis., 1929).

⁵⁸ *Williams v. Baldridge*, 284 Pac. 203 (Ida., 1930). See *Gutierrez v. Middle Rio Grande Conservancy District*, 282 Pac. 1 (N. Mex., 1929), upholding a statute creating an irrigation district and providing a system of financing its operations.

⁵⁹ *Eyers Woolen Co. v. Town of Gilsum*, 146 Atl. 511 (N. Hamp., 1929).

held that, in order to justify the payment of tax money to satisfy moral obligations on the part of the state, the state must have received a benefit which had not been compensated for, or injury or wrong must have been done by the state. Counsel fees paid by an officer for defending himself against charges of inefficiency in office were held not to constitute a proper payment for the state to make.⁶⁰ However, this case agrees with the California case of *Reclamation Board v. Riley*⁶¹ that the state may pay debts not legally binding upon it.

A problem now faced by an increasing number of states is that arising from the inability of many localities to support the various governmental services now ordinarily performed by governmental units. In some states, two or three counties pay into the state treasury over half of all the money collected in taxes by the state government, and this money is then distributed to the various impecunious localities in the form of subsidies, or "state-aids," of one sort or another. In Minnesota, the state government sought to relieve some of the northern counties of certain obligations incurred in the furtherance of drainage projects which were, presumably, of some value to the entire state. The method of relief was that of the assumption of these obligations in connection with the establishment of a state wild-life preserve. The supreme court of the state upheld the statute providing for the inauguration of the plan.⁶²

On the other hand, in Florida the gasoline tax must be turned back to the counties in proportion to the amount paid by each county; and may not be paid to the counties on the basis of their bonded debt. The court there said that money paid into the state treasury by one county cannot be taken to help out a less fortunate county. In Florida, county and state taxes are sharply distinguished, and the state may not use its money to pay county debts; but the state may authorize the levy and collection of a county tax, and the fact that the state collects it through the county is not material, just as in determining the nature of the tax it is not material that a state tax is collected through the county because it is the purpose of the tax, not the collecting agency, that determines whether it is a state or county tax.⁶³ The Arkansas

⁶⁰ *Hines v. State*, 234 N.Y.S. 224, 134 Misc. Rep. 1 (Ct. Cl., 1929).

⁶¹ *Reclamation Board v. Riley*, 284 Pac. 668 (Cal., 1930).

⁶² *Lyman v. Chase*, 226 N.W. 633 (Minn., 1929).

⁶³ *Amos v. Mathews*, 126 So. 308 (Fla., 1930).

income tax of 1929 was sustained in *Stanley v. Gates*,⁶⁴ one of the main contentions against it, that of lack of equality and uniformity, being overruled. These provisions of the constitution apply to property, but not to income, taxes. The front-foot rule in assessments was said by the Tennessee court to be valid, but only if it worked substantial justice, and is not permissible if substantial discrepancies exist between benefits received and assessments levied.⁶⁵

An Oregon statute was sustained which permitted the county board to remit penalties or interest if by doing so the collection of taxes would be facilitated.⁶⁶ The board was to act by general rule, not in individual cases, and the law applied to all counties alike. The delinquent tax problem is becoming increasingly serious in the north-western and Pacific coast states, and various types of legislative relief are already in evidence.⁶⁷

6. Local Government. Numerous cases involving the relation of townships, counties, and municipalities to the state arise each year. This article does not attempt to review the cases in the field of local government or municipal corporations, but the interest which an Oklahoma case should have for students of law and government perhaps justifies brief reference at this point.

Occasional allusion is found in books on municipal government and corporations to the effect that the right of local self-government is preserved to the municipalities of some states under their constitutions, or if not under their constitutions, then in spite of them. An Oklahoma statute authorizing municipalities by a vote of sixty per cent of the voters to lease their municipal lighting plants to private owners was declared invalid, in that it required sixty per cent, more than a majority, of the voters to authorize the lease,⁶⁸ The principle of majority rule was thereby read into the constitution by interpretation. The case is of interest also because, in the opinion, the dicta of other cases declaring the right of local self-government are approved. Art. II, Sect. 33, providing that "the enumeration in this

⁶⁴ *Stanley v. Gates*, 19 S.W. (2d) 1000 (Ark., 1929).

⁶⁵ *City of Rockwood v. N.O. & T.P. Ry.*, 22 S.W. (2d) 237 (Tenn., 1929).

⁶⁶ *Livesay v. De Armond*, 284 Pac. 166 (Ore., 1930).

⁶⁷ See, for Minnesota, vols. 14, p. 44, and 15, p. 51, of *Bulletin of League of Minnesota Municipalities*.

⁶⁸ *Thomas v. Reid*, 285 Pac. 92 (Okla., 1930).

constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people" was interpreted to apply to local communities as well as to individuals. The case should serve as the text for many a good lecture on political philosophy as embodied in judicial opinions.

C. RELATION OF GOVERNMENT TO THE INDIVIDUAL

1. Suffrage and Elections. Payment of taxes, or certain types of taxes, as a prerequisite to the exercise of the right to vote continues to present difficulties. Payment by check constitutes payment as of the date when the check is mailed to the collector,⁶⁹ but payment of the tax after the election is not sufficient to qualify one for office if the requirement for holding office be that one shall be a qualified elector.⁷⁰ On this point the cases are not in agreement, some states permitting subsequent payment of taxes to have a retroactive curative effect, or permitting fulfillment of these requirements at any time prior to the taking of the oath of office. In Georgia, registration is a qualification required for voting, and it was held in *Lee v. Byrd* that payment of taxes after registration does not cure the registration if the latter was void because made too late.⁷¹

A New York election statute providing that the name of a candidate could be on only one ticket was declared invalid as applied to the case where a candidate had been nominated for the same office by two parties.⁷² In Louisiana, it was decided that a voter may vote the straight ticket so far as it contains the names of persons who are candidates for offices listed on that ticket, but this does not prevent him from crossing over to vote on another ticket for candidates for an office not listed on the straight ticket which he voted by a cross-mark at the top. He has not voted for candidates for the particular office omitted from the straight ticket by voting that ticket, and is entitled to one vote for each office for which one person is to be chosen.⁷³

The use of voting machines was discussed in an Ohio case, and their use sustained so far as the secrecy of the ballot was concerned; but in this particular case their use had been authorized by a city for

⁶⁹ *Tonnar v. Wade*, 121 So. 156 (Miss., 1929).

⁷⁰ *Davis v. Teague*, 125 So. 51 (Ala., 1929).

⁷¹ *Lee v. Byrd*, 151 S.E. 28 (Ga., 1929).

⁷² *Callaghan v. Voorhies*, 252 N.Y. 14, 168 N.E. 447 (1929).

⁷³ *Seal v. Knight*, 121 So. 632 (La. App., 1929).

all elections, and this the court held the city had no power to do.⁷⁴ A dictum in a Wyoming case intimates that the secrecy-of-ballot provision of Art. VI, Sect. 11, of the constitution of that state does not prevent the voter from telling for whom he voted if he wishes to waive his rights in the matter and thereby aid an investigation of illegal voting.⁷⁵

2. **Freedom of Speech and Press.** The sedition law of Pennsylvania was upheld in *Commonwealth v. Widovich*.⁷⁶ The extending police power is apparently succeeding in cutting down the scope of the protection afforded one by the freedom-of-speech provision of state constitutions, and it behooves those who wish to defend this phase of personal liberty to demonstrate to those in control of governmental machinery that more is to be gained by society from freedom of expression in this manner than from increased regulation of the individual on supposed behalf of the group.⁷⁷ Persons of the most collectivistic tendency in such a subject as the regulation of public utilities are often of the most individualistic opinions with respect to freedom of speech. If they wish to prevent the collectivism of others with respect to the freedom of speech from substantially destroying this privilege, the burden of proving its usefulness to the group apparently rests with them.

A very heartening decision to those championing freedom of speech is that of the *City of Albany v. Meyer*,⁷⁸ wherein the freedom-of-speech provisions were held to protect a person from a libel suit by a city brought because of certain published statements made by defendant concerning the city and its finances. Free criticism of governmental administration was emphasized by the court as a useful privilege.

3. **Freedom of Religion.** A Sunday theatre-closing law was sustained in *Springfield v. Smith*,⁷⁹ while in *Cook v. City of Harrison*⁸⁰ a tax on hawkers was applied to a vendor of religious books and sus-

⁷⁴ *State v. Green*, 121 O. St. 301, 168 N.E. 131 (1929).

⁷⁵ *Hamilton v. Marshall*, 282 Pac. 1058 (Wyo., 1929).

⁷⁶ *Commonwealth v. Widovich*, 295 Pa. 311, 145 Atl. 295 (1929).

⁷⁷ See Goodrich, "Does the Constitution Protect the Freedom of Speech?", 19 *Mich. L. Rev.* 487.

⁷⁸ *City of Albany v. Meyer*, 279 Pac. 213 (Cal. D.C. App. 1st, 1929).

⁷⁹ *City of Springfield v. Smith*, 19 S.W. (2d) 1 (Mo., 1929).

⁸⁰ *Cook v. City of Harrison*, 21 S.W. (2d) 966 (Ark., 1929).

tained. Apparently the various provisions to be found in nearly every state constitution relative to freedom of religious belief should be understood to refer to *belief*, and not to *activity*. Religious beliefs are fairly well protected, but religious activities are not so well protected.

Among these provisions is to be found, almost always, one forbidding the use of public moneys for religious purposes. In *Borden v. State Board of Education*,⁸¹ the Louisiana court upheld a statute providing for the purchase by the state of textbooks for children attending public, private, sectarian, and non-sectarian schools.

4. **Imprisonment for Debt.** Not all of the state constitutions contain provisions forbidding imprisonment for debt. Some of them provide, instead, that although a person may be imprisoned for debt, the debtor shall be given his freedom upon turning over his estate for the discharge of his obligations.⁸² A statute providing for imprisonment for debt without making provision for liberation under such circumstances is invalid. In *Brownwell Corporation v. Ginsky*,⁸³ the Michigan court held that a person could not be imprisoned for failure to pay a sum decreed due on a land contract, because suit at-law was available to collect.

If a person refuses to pay a license tax to engage in an occupation, and to engage in it without paying such a tax is made a misdemeanor by statute, he may be jailed in punishment for engaging in the particular occupation without having paid the license fee required; and this is not contrary to the imprisonment-for-debt provision of the Oklahoma constitution.⁸⁴

Failure to support a wife and children;⁸⁵ failure to support a bastard child;⁸⁶ failure to divulge property located outside the state in supplementary proceedings instituted for the discovery of property;⁸⁷ and failure to pay alimony decreed by court⁸⁸ may all be punished by jail

⁸¹ *Borden v. State Bd. of Educ.*, 123 So. 655 (La., 1929).

⁸² *Burman v. Commonwealth*, 228 Ky. 410, 15 S.W. (2d) 256 (1929).

⁸³ *Brownwell Corp. v. Ginsky*, 225 N.W. 531 (Mich., 1929).

⁸⁴ *Ex parte Marler*, 282 Pac. 353 (Okla., 1929).

⁸⁵ *State v. Redmond*, 148 S.E. 474 (S.C., 1929).

⁸⁶ *Belding v. State*, 121 O. St. 393, 169 N.E. 301 (1929).

⁸⁷ *Reese v. Baker*, 123 So. 3 (Fla., 1929).

⁸⁸ *Franchier v. Gammill*, 124 So. 365 (Miss., 1929). Also *Roberts v. Fuller*, 229 N.W. 163 (Ia., 1930).

or prison sentences if the statutes so provide, and to do so does not constitute imprisonment for debt.

The reason for these holdings is explained in *Ex parte Chase*,⁸⁹ an Oklahoma case, in which a judgment in bastardy proceedings had been secured by a bond, mortgage, and personal note. This constituted a "debt," and for a failure to pay it defendant could not be imprisoned. This "debt" resulted from contract; those mentioned in the preceding paragraph did not—and therein lies the difference between them, because the word "debt" has usually been construed in these cases to apply to contractual debts rather than to court decrees, or to obligations arising out of moral or social relations, or out of general considerations of public policy.

5. **Protection to Persons Accused of Crime. Bail.** Unless the death penalty is practically certain to be inflicted by the jury, a person is entitled to bail as of right in Texas, and the burden is on the state to show that the accused should not be granted bail.⁹⁰ The New Mexico constitution provides that all persons shall be bailable by sufficient sureties except for capital offenses when the proof is evident or the presumption great. Construing this, the court held that "where a nice weighing of the circumstances might result in a conclusion either way, we do not think that there is a denial of a constitutional right in refusing bail," leaving the question to the honest exercise of discretion on the part of the trial court.⁹¹

Jury trial. Proceedings for the commitment of a juvenile to an industrial training school are not criminal proceedings, and do not therefore need to be before a jury.⁹²

In Louisiana, an important decision from the standpoint of reform of criminal law administration is that of *State v. Lange*,⁹³ involving the statute of 1928 providing for a lunacy commission to determine finally the question of sanity at the time the act was committed and at the time of trial. This statute was declared unconstitutional, because a jury should determine that question.

Agreement upon the facts of a case by counsel cannot divest the jury of the power to pass upon the question of guilt under the bad-

⁸⁹ *Ex parte Chase*, 284 Pac. 294 (Okla., 1930).

⁹⁰ *Ex parte Tindall*, 15 S.W. (2d) 24 (Tex. Crim. App., 1929).

⁹¹ *Ex parte Wright*, 283 Pac. 53 (N.Mex., 1929).

⁹² *Hall v. Brown*, 284 Pac. 396 (Kan., 1930).

⁹³ *State v. Lange*, 123 So. 639 (La., 1929).

check law of North Carolina,⁹⁴ and thereby another type of recent legislation had its efficacy lessened.

Absence from the courtroom for a few minutes during the trial can be waived by counsel for the accused upon return to the courtroom,⁹⁵ but if a jury trial is to be waived, the statute permitting it must be followed exactly; so that if it provides for the consent of the accused and his counsel, the consent of the counsel alone is not sufficient, but both must declare in open court that they waive the jury, as required by statute.⁹⁶

A juror who had just served on a jury trying a mother for a crime similar to that with which the son was charged is disqualified on the ground of partiality. The facts that the same situation and same witnesses were involved in the case were emphasized by the court, and the opinion also contained an observation that the fact that the juror thinks he can be impartial is not conclusive of his actual impartiality.⁹⁷

6. Searches and Seizures. Search may normally not be made without a warrant; but a person can consent to a search, and if this is done no warrant is required. A statement to an officer that he should "go ahead" because he "would not find anything anyway" is sufficient to constitute such consent.⁹⁸ If a warrant is obtained on affidavits of private individuals, the truth of the statements made in the affidavits cannot be assailed after the warrant has been executed, providing the warrant is otherwise "fair on its face," according to *Vale v. State*.⁹⁹

The immunity from search without a warrant is a personal one, and the owner of a house cannot complain if the room of a tenant is searched.¹⁰⁰

A warrant is not always required, although in normal cases it is necessary. An exception is afforded by *State v. Zupan*,¹⁰¹ in which an officer had a tip that a car with liquor in it was coming to a certain

⁹⁴ *State v. Crawford*, 149 S.E. 729 (N.Car., 1929).

⁹⁵ *State v. Henderson*, 122 So. 591 (La., 1929).

⁹⁶ *People v. Garcia*, 277 Pac. 747 (Cal. D.C. App. 2nd., 1929).

⁹⁷ *Popp v. State*, 280 Pac. 478 (Okla. Crim. App., 1929).

⁹⁸ *Williams v. State*, 17 S.W. (2d) 56 (Tex. Crim. App., 1929).

⁹⁹ *Vale v. State*, 277 Pac. 608 (Okla. Crim. App., 1929).

¹⁰⁰ *Ibid.*

¹⁰¹ *State v. Zupan*, 283 Pac. 671 (Wash., 1929).

place. A car drove up and defendant carried a suitcase from it to a hotel. On his way he was stopped by an officer and the suitcase searched. This was held proper. So, too, in the case of a car pulling up to a place where liquor was said to be sold, and into which defendant carried a jug, another jug with liquor in it being left in the car, and the odor of liquor being noticeable to the officer.¹⁰²

A warrant is not needed for the search separately, if one is obtained for arrest, providing the search is incidental to the arrest. To search a building located some distance from the house of the defendant, when the defendant was arrested out in an open yard, is not sufficiently connected with the arrest to constitute "incidental" search.¹⁰³

7. **Suits Against the State.** Individuals can often prevent wrongs due to governmental action from being inflicted upon them by injunction, by habeas corpus, by motions to strike out certain illegally admitted evidence, and by various other methods. Sometimes, however, an individual is unable to prevent the injury, and the problem becomes in such an instance whether any remedy is available to compensate for the injury if it is compensable. Only a few states have even passably adequate systems of compensation for cases arising out of "contract express or implied," but in fewer cases still is there any provision for compensating for injuries which would ordinarily be classed as torts. The tendency of the courts is to construe any remedial legislation on this score very strictly against the individual, contrary to the generally accepted principles with respect to other types of remedial legislation.

"An action respecting the title to property or arising upon contract may be brought in the district court against the state the same as against a private person" was held in North Dakota not to be sufficient statutory authority for bringing suit against the Workmen's Compensation Bureau of that state. The funds of that bureau were separately provided for; a suit in a negligence case against the bureau was a suit against the state; no consent had been given to such suit by the above statute; and neither had consent to suit been given by the provision for appeal to the courts from the awards of the bureau. The funds of the bureau were to be used for compensating injuries to workmen, not for compensating persons suffering because of mistakes

¹⁰² *State v. Harris*, 22 S.W. (2d) 1050 (Mo., 1929).

¹⁰³ *Fowler v. State*, 22 S.W. (2d) 935 (Tex., 1930).

of the bureau.¹⁰⁴ So, also, a California statute providing for suits against the state on contract or negligence claims does not permit suit against the state under a Torrens act, a separate fund being provided for the payment of claims arising from mistakes in title under that statute. Claims presented under this act must be brought in the manner provided for by that act, not in accordance with the general claims act.¹⁰⁵

¹⁰⁴ *Watland v. N. Dak. Workman's Comp. Bureau*, 225 N.W. 812 (N.D., 1929).

¹⁰⁵ *Gill v. Johnson*, 284 Pac. 510 (Cal. D.C. App. 4th., 1930).

NOTES ON MUNICIPAL AFFAIRS

EDITED BY THOMAS H. REED

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The past year has been municipally more eventful than many of its recent predecessors. Our greatest city has passed through the throes of a more than ordinarily colorful municipal election. Our second city has been reduced to most distressing financial straits. Our fourth city is now on the verge of recalling a mayor elected less than twelve months ago. The Greater Pittsburgh plan, which would have made that city first in area and fifth in population, was checked by its failure to secure a two-thirds majority in a majority of the 122 constituent municipalities. St. Louisians are presenting the people of Missouri a constitutional amendment to permit an almost equally gigantic combination of city and county areas. James M. Curley, the Bay State's most potential politician, elected for the third non-consecutive four-year term as mayor of Boston, has vigorously voiced the demand for a Greater Boston and organized a movement to bring it to pass. Cincinnati has succeeded in conducting its third P. R. election, and—what is more important—in retaining an anti-machine majority in the council, capping the climax by naming a college professor (C. A. Dykstra) as city manager. Cleveland has retained its charter, changed managers, and since the dust created by its vice and virtue spasms has cleared away seems to have the best government it has enjoyed in recent years.

The city manager plan has continued to spread. Seventeen cities in the United States, one in Canada (Calgary), and one in Ireland (Cork), adopted the scheme in the calendar year 1929. The largest city in the United States to adopt the plan was Flint, whose charter unfortunately is subject to severe criticism in certain respects. Two small cities abandoned the plan during the same period. The total number of manager cities is now 411.

The Indiana supreme court held unconstitutional the act authorizing cities of that state to adopt the manager plan, on the extraordinary ground that the five days allowed the city clerk to check petitions was obviously insufficient in Indianapolis and that, since the act could

not be operative in that city, it was not of uniform application and consequently void in toto. If the reasoning in this case were adopted by other courts, practically all petition procedures for the nomination of candidates or initiation of measures would be unconstitutional. The verification of the petition was declared to be a judicial act, the performance of which could not be transferred to a deputy. On such a basis, twenty-five or fifty days would be too little for the examination of the petitions necessary in large states and cities. Indianapolis was thus deprived of benefits of the plan adopted by an overwhelming majority the previous year, and Michigan City, which has had a manager for years, had to revert to the form of government provided by the general law of Indiana. The Indiana manager law was amended by the 1929 legislature to meet the objections of the court, but without avail as far as these two cities are concerned. The Kentucky optional manager act was also declared unconstitutional, on the ground of technical defects in the form of the act validating its passage. T. H. R.

The New York City Election of 1929. In the 1929 mayoral election, the Republican party contrived to bring upon itself the worst defeat in its history. The general setting was not one to encourage much hope of overthrowing the winsome Walker. The campaign began with the speculative tide at full flood and everyone satisfied. It ended amid the bewilderment and distraction that followed the collapse.

The Tammany strength in the city is to be found among the racial groups of more recent arrival. The most important of these are the Irish, the Jews, and the Italians, in this order of power and influence. The Republicans have drawn their strength from the older American stock which the city recruits in substantial numbers from all over the Union. These people, however, have a higher standard of living than the more recent immigrants and a lower birth rate. They have also a greater tendency to drift to the suburbs beyond the city limits until they have acquired such fortunes as permit them to return to Park Avenue. The Republican party has usually been stronger in purse than in numbers. In local elections it has been content to nominate a respectable business man, frequently a stranger to everyday politics, who puts up a mildly vigorous campaign, ending in a decisive but not ignominious defeat. Besides this, the party has main-

tained, supported largely by federal patronage, remnants of organization in every district in the city. Until recently, state patronage was, if not completely in the control of the Republican party, at least frequently at its disposal.

Since 1916 the city has labored under the direct primary system, which the reformers succeeded in getting from a reluctant legislature. Even from the first, however, the primary system gave signs of betraying the hopes of the reformers. In 1917, Mayor Mitchell, seeking renomination on the Republican ticket, was defeated by a small margin by a party hack from Brooklyn, who ultimately finished a poor fourth in a four-cornered race. In anticipation of the approaching 1929 election, Representative Fiorello H. LaGuardia busied himself among district clubs of his party building up a sufficient following to menace any conventional candidate. Though the party leaders foresaw the disaffection his selection would produce and the difficulty they would have in raising money for his campaign, they could offer no assurance to prospective candidates of a safe passage through the primary. Such candidates were offered the prospect of an expensive primary campaign, with little prospect of success, when even a victory in the primary would have meant a nomination of doubtful value. Under these circumstances, it is not surprising that the party leaders failed to secure candidates to accept their nomination at the unofficial party convention and were forced to accept the self-chosen LaGuardia. It would be a mistake, however, to suppose that the leaders did not appreciate the folly of the LaGuardia candidacy.

The campaign that followed aroused more than ordinary interest. The central figure proved to be the fluent and affable Socialist candidate, Norman Thomas. He discussed public issues in such a penetrating and forthright manner as to win wide support among persons not ordinarily given to voting the Socialist ticket. Several of the metropolitan dailies openly endorsed him, and all were generous in praise of his campaign. The Republican leaders found it impossible to hold their conservative following for the noisy little Italian. Large numbers of Republicans deserted to Walker, while independent Republicans and Democrats alike voted for Thomas. The latter received four times the normal Socialist vote. He received some 20,000 Italian votes which his ticket failed to receive, and perhaps brought an equal number of Italian votes for the entire ticket. LaGuardia ran far

behind his party colleagues. The Walker plurality fell just short of one-half million votes.

Possibly the chief significance of the election was the utter rout of the Republican party in the four outlying boroughs of the city. In these they elected not a single candidate to the Assembly or the Board of Aldermen. Their sole survivor was Borough-President George U. Harvey, running against the still demoralized Democratic machine of Queens. In the present Board of Aldermen the Republicans have but four of the sixty-five seats. Their representatives are Joseph Clark Baldwin III, banker from the silk stocking district, Frank Manzella from Uptown's Little Italy, and two Negroes, James E. Hawkins and Fred R. Moore, from Harlem. Since the election, the city Republicans have been busy trying to effect a reorganization that will enable them to make a better showing in the 1930 campaign for the governorship. To date, these efforts appear to have borne little fruit.

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Metropolitan Government. The most interesting and significant happening in this connection during the past year has been the United States census. The results have so far appeared only in fragmentary form, but they are sufficient to show that the so-called suburban trend has been going on with extraordinary rapidity. Close students of the subject have been aware of this tendency, but it has taken the shock of the official figures to awaken the general public to what is taking place. Manhattan Island has lost 475,000 people in ten years. Boston, Cleveland, and St. Louis have grown so slowly as seriously to disappoint their patriotic citizens. On the other hand, the suburban communities adjacent to these large cities have grown with amazing rapidity. This has created no mere statistical situation. The people who have been moving into the suburbs are real flesh and blood people with the same need of policemen, sewers, and street cars as other human beings. They have disregarded political movements in their outward trek and have created problems equally regardless of the traditional units of government. Even in the neighborhood of comparatively small places, similar situations have developed. The two notes which follow deal with characteristic examples of the metropolitan problem. T. H. R.

The Proposed Merger of St. Louis City and County. St. Louis was originally a part of St. Louis county. The Missouri constitution of 1875 authorized its separation if approved by a majority of the votes cast in the entire county. Favorable action was taken at an election in 1876, though a majority of the voters in the rural districts were opposed to the separation.

Changed conditions, due chiefly to improved transportation facilities, led to a reversal in sentiment in both sections. The city, unable to extend its boundaries, faced unfavorable comparison with other large cities in statistics of population. More important, though perhaps less influential upon public sentiment, were questions of health, crime, transportation, and public welfare growing out of the development of urban conditions in county communities adjacent to the city, some of which possessed no municipal government.

After years of agitation and effort, an amendment to the constitution, adopted in 1924, authorized the creation of a board of freeholders, consisting of nine members each from the city and the county, to draft one of three alternative plans to be adopted at separate elections by a majority vote each in city and county. This board, organized in June, 1925, was deadlocked for nearly a year through equal division of city and county members. At the last moment, one county member voted for the city plan in order that some proposal could be submitted to the voters.

The election was held on October 26, 1926. The plan submitted provided for consolidation of the entire area of city and county as a single municipality. Many in the city were skeptical regarding the scheme, and there was considerable apathy among voters. With only one-third of the normal vote, the plan carried in the city by eight to one. The opponents in the county were well organized and active. An unusually large vote was cast, and the scheme was rejected by eight to one. The opponents in the county were well organized and active. An unusually large vote was cast, and the scheme was rejected by more than two to one. The campaign developed considerable animosity, but it was recognized in county as well as city that some change was necessary. Informal conferences were held, and the chambers of commerce of the city and county agreed, early in 1929, each to appoint thirteen members of a joint metropolitan development committee to consider the problem. This committee decided that a comprehensive

survey of the entire area should be undertaken, and Professor Thomas H. Reed was secured as director.

Work was begun in the summer, and Professor Reed gave his entire time to the project during the fall and early winter. A city and county council on metropolitan government, of 400 members, was appointed to study the material collected and to make recommendations. The council was divided into thirteen committees, each dealing with a general problem.

It soon developed that the federal, or borough, plan, of which Professor Reed is an exponent, was favored by the metropolitan committee and the council. Some of the special committees came to early agreement upon leaving practically intact the organization of existing municipalities, school districts, and courts, subject to the power of the legislature to change them in the future. There was similar agreement upon the creation of a separate municipal government for the unincorporated rural territory, and for the organization of a government for the Greater City, with important powers relating to health, sewers, highways, public welfare, public utilities, libraries, parks, recreation, city planning, and elections. Provision was made whereby one municipality might be annexed to another with the consent of the voters of each. Parts of the new rural municipality might be annexed to an urban municipality with the consent of the voters of each municipality and of those of the part annexed. Taxation, special assessments, condemnation procedure, and financial administration required longer consideration, but all of the committees submitted practically unanimous reports by the spring of 1930.

In May, the council and the metropolitan development committee agreed upon the general plan, and this was endorsed by the chambers of commerce of the city and the county. The plan involved the adoption of an amendment to the constitution which would authorize the drafting of a charter for the city of Greater St. Louis, to go into effect when adopted at separate elections by a majority vote each in city and county. Initiative petitions are now (June) being circulated, and it is anticipated that the requisite number of signatures will be obtained before the final date for filing with the secretary of state on July 3. The amendment will then be voted upon at the regular election in November of this year.

The proposed amendment includes about 3,000 words and regu-

lates with considerable detail the provisions that must, and those that may, be included in the charter that it authorizes. The amendment does not regulate the manner in which the charter shall be drafted, but provides that its text may be submitted by initiative petitions signed by voters of the city and county equal in each case to eight per cent of the total votes cast for supreme judge at the last election in each area.

While many of the provisions of the amendment are permissive, and some are broader than provided in the plan, it is definitely understood that the charter to be submitted will be that which has been agreed upon by the city and county metropolitan development committee. If the amendment is adopted, it is probable that the charter of the city of Greater St. Louis will be submitted to the voters in city and in county early in 1931.

Criticisms of the plan, both in city and in county, thus far have been few, and unless something unforeseen develops, it is probable that the amendment will be ratified in November. While it appears that the charter, if submitted, will be approved by the city, it is too early to hazard any prediction regarding the attitude of voters of the county.

The absence of acrimony in the conferences between representatives of city and county and the unanimity that has characterized the various agreements are in large measure due to the unfailing tact, patience, and fairness manifested by Professor Reed in guiding the work of the different committees.

ISIDOR LOEB.

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Hartford Adopts a Metropolitan Charter. At the regular bien-nial election of November 5, 1929, the people of Hartford approved by a large majority the metropolitan district plan enacted by the 1929 General Assembly of Connecticut, and thus brought into existence a brand-new governmental unit in that state. For two reasons, this development deserves comment. In the first place, Connecticut has long been preëminent as a state of towns, a "republic of republics," as its editors and local publicists like to call it. The people of the state have historically shown an almost ineradicable tendency to atomize their political life, to break up the territory into smaller and smaller units, and to fight off anything smacking of centralization.

The adoption of a metropolitan charter for Hartford and the surrounding small towns, though the political identity of the separate towns is preserved and most of their internal functions left undisturbed, is certainly a step in the direction of consolidation, and in that sense, a reversal of the course followed in the past. In the second place, the example of the Hartford district will undoubtedly be followed in other highly urbanized portions of the state, particularly in New Haven and Fairfield counties, where the towns about such cities as New Haven and Bridgeport constitute urban units across which the ancient town lines cut irrationally. Since the charter for the metropolitan district of Hartford county will probably be followed by the creation of other districts with similar problems, its provisions are of more than current interest to students of metropolitan government.

The machinery for drafting the charter of the district was set in motion by the creation of a "commission to investigate the advisability of establishing a metropolitan district within the territorial limits of the county of Hartford" by special act of the 1927 General Assembly.¹ The personnel of the commission included the senators and representatives of the towns of Hartford, East Hartford, West Hartford, Bloomfield, Windsor, Newington, and Wethersfield, plus three voters from each town in the proposed district.²

After nearly two years of work, the commission, early in 1929, presented the draft of a charter which passed the General Assembly and received the governor's approval on May 13, 1929.³ Generous support was given the new plan by the leading newspapers of Hartford and by various civic organizations, and, contrary to the expectation of many observers, little opposition was aroused in any of the towns involved except West Hartford.⁴ According to the terms of the charter, it was to go into effect only if approved by Hartford and at least one other town. At the regular town elections held October 7,

¹ Special Act No. 346, 1927.

² The East Hartford representatives withdrew from the commission, and that town took no part in the formation of the district.

³ Special Act No. 511, 1929.

⁴ This town, next to Hartford itself, is the largest and wealthiest of any in the proposed district, being a choice residential suburb of the metropolis. The residents of the town seem to have feared that the proposed plan would lead to eventual annexation, and had a not unnatural desire to prevent their affairs from falling into the hands of Hartford politicians.

all of the towns, with the exception of West Hartford, approved the plan by large majorities.

The new district has an area of approximately one hundred square miles, a population of about 190,000, and an assessed valuation of not far from \$400,000,000. While the small towns still contain much agricultural land, their interests are predominantly urban and their destiny is closely connected with that of Hartford. For some years they have had several serious problems in common, and the new charter provides machinery for solving these problems.

The new district is given powers and duties with respect to the following functions: First, the laying out, construction, maintenance, and improvement of public highways, streets, walks, and bridges, street lighting and sprinkling, the removal of snow and ice, and the establishment of building and street lines in the case of all streets which enter more than one of the towns, or which form a boundary or part of a boundary between two or more such towns, or such streets and highways, existing or proposed, which are voluntarily turned over to the metropolitan district by the authorities of the separate towns. Second, the laying out, building, and maintenance of sewers and sewage disposal plants and the collection and disposal of garbage and refuse. Third, the creation and maintenance of a water system, including both the impounding of water and its transmission and sale. Fourth, in connection with any of the foregoing functions, the district is to have exclusive charge of regional planning, and, so far as may be necessary for carrying out any of the foregoing functions, it is to have the right to lay and collect taxes and borrow money, and the power to take property by right of eminent domain, and to assess benefits and damages in the layout of any public improvement.

These provisions indicate briefly the nature of the problems confronting the people of the district. For many years, the sewage of the several towns has passed through the sewerage system of Hartford and has placed upon that system an increasing burden which it was felt should be transferred to an authority with power to act for the district as a whole. As to water supply, a similar situation existed. The supplies of the smaller towns were furnished under contract by the Hartford department, yet Hartford was in no position to regulate the entire problem. The transfer of powers over highways and the provision for regional planning are made necessary by the traffic problem of the district. Much of the motor vehicle traffic be-

tween the seaboard and northern New England passes through Hartford and the surrounding towns, and grave problems have been created, especially within Hartford itself. The legal difficulties in the way of regulation seemed insuperable without the creation of a special authority acting for the whole district.

The charter shows admirable thoroughness in its provisions for the machinery for assuming and carrying out the transferred functions. The affairs of the district are to be in the hands of a board of twenty members. One group of five members is to be chosen one for each town. The other fifteen are to be named for the district at large, due regard being paid to the representation of all parts of the district and to the claims of the leading political parties. The first board is to be appointed by the governor of the state, the five members at large to serve for two years; of the other fifteen, five are to retire in two years, five in four years, and five in six years. Not later than two years after the original appointments, the voters of the district are to choose biennially five members to serve for six-year terms. The members of the board will be unpaid. Its deliberations will be presided over by a chairman, but the executive secretary is to be the executive officer of the board. The chairman of the board and all sub-committees, bureaus, boards, and commissions are to hold office for one year only. However, the treasurer, the managers of the water bureau and the bureau of public works, and such other functionaries as are specially designated, are to hold office during good behavior and to be removed only for cause.

The public works functions of the district will be performed under the direct supervision of a manager of the bureau of public works, who is to be responsible to a public works committee of the district board. The personnel of his department, so far as possible, is to be made up from the existing personnel of the towns of the district. Similar arrangements are made with regard to water supply, the chief engineer of the Hartford water department being appointed manager of the water bureau of the district.

Regional planning in the district will be under the control of a commission on regional planning consisting of the managers of the bureaus of public works and water, two members of the district board, and two electors of the district, appointed by the board for two years. The commission is to have general supervision over the planning and location of streets, bridges, public buildings, etc. Moreover, it is pro-

vided that "no map or plan of any land within the district showing proposed or projected streets shall be recorded in the office of any clerk of any town in the district unless it bears the endorsement of the committee on regional planning."⁵

In pursuance of its regional planning powers, the district is empowered, after carrying out public improvements, "to convey any real estate thus acquired and not necessary for such improvements, with or without reservations concerning the future use and occupation of such real estate so as to protect such public works and improvements and their environs, and to preserve the view, appearance, light, air, and usefulness of such public works."⁶

The budget-making authority of the district is a board of finance consisting of the treasurer of the district, two members of the board, and four voters of the district. The last-named members serve for two years and may not be removed by the board. No change in the budget may be made after its determination by the board of finance, except by a two-thirds vote of the entire district board. The board is granted the usual powers of taxation and borrowing, subject to the same restrictions laid upon other Connecticut municipalities. Revenue will be raised by a tax upon the towns laid in the same way as the present state and county taxes on towns.⁷

The borrowing power is conferred, subject to the requirement that the total debt of the district shall not exceed five per cent of the assessed value, with the usual allowance for deductions of debt for revenue-producing purposes. All bonds issued must be in serial form, the first instalment to mature within two years of the date of issue, and the last within not more than forty years.⁸

To one interested in local government under conditions as they exist in Connecticut, the most significant feature of the act is the way in which it attempts to preserve the political identity of the various

⁵ Section 29.

⁶ Section 28.

⁷ The so-called state tax on towns is laid as follows: the General Assembly determines upon the amount to be raised for state purposes. (It is now \$1,250,000, ch. 294, Public Acts, 1929.) The average of the taxes laid locally for the past three years is then computed. Each town then pays to the state a tax equal to the proportion which local revenues bear to the collections of all the towns in the state. Section 224, Gen. Stat. Rev. of 1918. The counties raise their revenue in the same way.

⁸ Serial bonds only are permitted in the political sub-divisions of the state.

towns incorporated into the district. There is a great deal of "town sense" still remaining in such Connecticut communities, a great deal of honest sentiment clustering about village greens and town halls. This sentiment is respected both in the provisions having to do with the make-up of the district board and in the requirement of local consent and coöperation for carrying out the transferred functions. Such requirements give us interesting glimpses of that persistent localism, long characteristic of the New England town, and, as yet, by no means dead. One wonders, however, how long such a feeling can make headway against the facts of modern urban life. Ease of transportation and the generally greater mobility of population have deprived the lively feeling for the town as a corporate entity of its strongest bulwark—a settled, stable, and homogeneous citizenry. Under modern conditions, some of the incorporated towns are little more than living quarters for a commuting population which finds its amusement as well as its subsistence in the central city. The smaller towns are thus growing rapidly, and their new inhabitants, drawn from widely separated sources, are likely to become impatient with the leisurely doings of town meetings and rustic selectmen and to demand services from the organization best equipped to render them. The old order will not pass without a struggle, but it seems likely that the functions transferred to the new board will be added to in the future.

The idea of metropolitan government has already been taken up elsewhere in the state. By a special act of the last General Assembly, a commission similar in composition to that which drafted the Hartford county charter was provided to investigate the advisability of a similar arrangement for New Haven and several surrounding towns.⁹ The proposed district would include New Haven, North Haven, West Haven, East Haven, Orange, Hamden, and Woodbridge. These communities cover an area of one hundred and thirty-eight square miles and contain a population of well over 200,000 and taxable property of nearly half a billion dollars. The commission now studying the problem will report a charter at the 1931 session of the General Assembly.

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University of Nebraska.

⁹ Special Act No. 472, 1929.

An Analysis of Cincinnati's Proportional Representation Elections. Like most large American cities, Cincinnati for years suffered politically under the dominance of a group which appealed to allegiance to a national party to keep it in control. Here it happened to be the Republican party. In 1923 a revolt was started by Murray Seasongood.¹ The next year the City Charter Committee, a group of independent citizens, was organized under the chairmanship of Henry Bentley, to submit to the voters a charter for a new form of government. This charter provided for a council of nine members elected at large by the Hare system of proportional representation, they in turn to choose a city manager, mayor, and vice-mayor, the latter two officers from among their number.

The new charter was adopted in 1924, over the opposition of the Republican organization. The Charter Committee continued its organization with a view to persuading nine suitable candidates to run for council and later promoting their election. It adopted the ward and precinct organization plan of the major political parties, with this important exception: all its workers were volunteers without promise or hope of reward by way of "jobs" or favors for their efforts. So far, it has succeeded in carrying three elections, and the administration of its successful candidates has brought the city government to the point where many municipal experts point to Cincinnati as "the best governed city in the United States."

An important factor contributing to the results achieved has been election by proportional representation. Under this system the voter marks the candidates 1, 2, 3, etc., in the order of his choice. He may vote as many choices as he desires. His ballot counts initially for his first choice only. If the candidate to whom he gives his first choice has more first choice ballots than are necessary for election,² the surplus ballots are transferred to the second choices marked on the excess ballots, taken in order, and his ballot may count for another choice. After all the surplus ballots are transferred, the lowest candidates are eliminated in order, and their ballots transferred to the first following choice on each ballot, unless that candidate is already elected or eliminated, in which case the ballot goes to the next choice

¹He became mayor on January 1, 1926, under the new form of government dealt with in this article.

²The "quota" for election is the first whole number above one-tenth of the entire number of valid ballots cast.

marked theron still in the race. This goes on until either nine candidates have their quota of ballots or only nine remain. In any case, the nine are elected. As the present article will attempt to demonstrate, this system not only gives better expression to the voters' will, but also yields a clearer picture of the voters' mind than does the ordinary plurality election.

Since the adoption of the new city charter in 1924, three municipal elections have been held, in November, 1925, 1927, and 1929. In each of these the City Charter Committee, organized on a non-partisan basis, endorsed nine candidates for council, three of whom were given preference in support by the regular Democratic organization, and six of whom were independent Republicans. In the first election, the regular Republican organization endorsed six candidates. In the second election, it endorsed seven of its own candidates and two of the candidates who had already been endorsed by the City Charter Committee. In the last election it endorsed a full ticket of nine candidates. In each of these elections there were several candidates who were not endorsed by either the City Charter Committee or the Republican organization, two of them negroes.

An analysis of the vote for councilmen and the transfers of ballots at these elections is of interest to the student of political affairs. In the first place, the vote shows that the majority of the electors in the city of Cincinnati will vote in municipal elections independently of either of the major political parties when the proper candidates are available. In the 1925 election, the candidates endorsed by the City Charter Committee received over 76,000 first choice votes; those endorsed by the Republican organization, about 33,000 first choice votes; and the other twenty-four candidates, about 10,000 first choice votes. Of the 76,000 votes received by the Charter Committee candidates, about 30,000 went to the three who had the preferential endorsement of the Democratic party. In other words, the regular Republicans had 33,000 votes; the Charter Democrats, 30,000 votes; and the independent charter candidates and other independents, about 56,000 votes. In the 1927 election, the City Charter Committee candidates polled 72,000 votes; the regular Republican candidates, 35,500; and the outside independents, over 16,500. Of the Charter Committee candidates, those who had the preferential backing of the Democratic party polled 28,500 votes. The independent charter candidates

and outside independent candidates therefore polled altogether approximately 60,000 votes.

This showing of a substantial plurality of independent votes in the first two elections under the new charter, almost equal to the combined votes of the candidates endorsed by the Republican and Democratic parties, showed conclusively that the independent voters of both parties and of no party are in control of the municipal affairs of Cincinnati, once they are given the power to express their preferences at a general election. The history of the same period proved, however, that the independent voters of neither party were strong enough to carry the county primary elections in August of the even-numbered years. The proportional representation election combines the benefits of the primary and the general election at a time when all the voters have a chance to express themselves.

In the 1929 election, the candidates endorsed by the City Charter Committee received about 79,000 first choice votes; those endorsed by the Republican organization, about 51,000 votes; and the other six candidates about 9,000 votes, 8,000 of which went to the two negro candidates. Of the 79,000 votes received by the Charter Committee candidates, about 30,500 went to the three Democrats, 48,500 to the independent Republicans. Adding to the last figure the 9,000 votes cast for outside candidates would appear still to give the independent voters a decided plurality. But this does not present a correct picture, since the majority of the 8,000 negro votes were cast as a protest against the Republicans' refusal to place a negro on the ticket and were likely to go to either group that endorsed a negro for the council. The Republican organization, therefore, appears to have obtained a slight plurality at the last election,³ although each major group is represented in the present council by three members. The reasons for the increased Republican strength are manifold: endorsement of a full ticket of nine candidates, most of whom had previously been in public office and were well known; better internal organization; increased prestige, due to election of Cincinnati men as state governor and attorney-general; play to all local groups having petty discontents with city government; the fact that the three most popular Charter councilmen refused to stand for reelection; etc.

³This appearance may be discounted, however, because many persons voted for the Democrats endorsed by the Charter Committee who would not have voted for a Democrat on a party ticket.

In the second place, proportional representation, with nomination by petition and election at large on a non-partisan ballot, where the independent citizens have their own organization to back their candidates, offers the best inducement to bring strong candidates into the field and gives the independent voter the best chance of exercising his intelligence. A voter can vote an entire ticket without hurting his first choice. He can vote a first choice on principle, though he knows the candidate has no chance of election, and still have his ballot help to elect a more popular candidate who, he thinks, will make a good councilman, by giving him his second or later choice vote. There is no danger that a small block of voters will swing the election against a majority, as there is in a straight election even without party emblems. The types of candidates and the results of the last three municipal elections in Cincinnati prove these points.⁴

The proportional representation feature of the election worked out perfectly in all three years. In the 1925 election, after first choice votes were counted, the Charter group had enough votes to elect six candidates, and possibly a seventh, depending on the transfers from the twenty-five outside candidates. The Republicans had almost enough to elect three, but needed transfers to make sure. The twenty-five outside candidates, taken together, did not have enough votes to make up the quota for one councilman. After all the outside candidates had been eliminated, the Republican candidates had barely enough to elect three, provided they should not lose more votes than they gained on transfers. Their third candidate, Lackman, was elected over Gamble (Charter Committee) by 77 votes, though it would have been possible for him to have been defeated by both Luchsinger (Charter Committee) and Gamble on a different arrangement of votes among the Charter candidates.

In the 1927 election, after first-choice votes were counted, the Charter group did not have quite enough votes to elect six candidates, but had to depend on transfers from outside candidates to give them this strength. The Republicans had almost enough to elect three, and the outside independents had, together, enough to elect one. The

⁴For instance, the outstanding independent of the Charter group, though during his first term subjected to repeated and virulent attacks by some newspapers and influential citizens, increased his first-choice vote from 20,543 in 1925 to 24,121 in 1927, the largest vote received by any candidate in any of the last three elections.

Charter Committee candidates gained more on transfers than did the regular Republicans, and thereby elected six candidates, the Republicans two, and the outside independents one. At each of the first two elections, the Democratic candidates on the Charter Committee ticket had more than enough first-choice votes to elect two candidates, but not enough to elect three; and two of these candidates were elected each time.

In the 1929 election, after first-choice votes were counted, the Charter group had enough such votes to elect five candidates and a surplus of 9,408. The Republicans had enough to elect three, and a surplus of 9,292. The outside independents had barely over 9,000 votes, not enough to elect one candidate. Therefore, if the Charter candidates could maintain their lead, they would elect six councilmen. This is exactly what happened. After the elimination of the eleventh candidate, two of the Charter candidates were still a total of 1,000 votes short of their quotas, and the lowest Charter candidate still in the race led his Republican opponent by about 1,200 votes. Thus the total Charter Committee candidates' net gain on transfers was approximately 100 votes, which insured the election of the sixth Charter candidate. The Democrats on the Charter ticket, however, elected all three of their candidates, more than their quota justified, due to a fortuitous grouping of first-choice votes. The necessary transfers to insure their final election, however, came from other Charter candidates who were not Democrats, due to the fact that they were all on the same ticket.

It is interesting to note that endorsement by both of the organized groups does not necessarily aid a candidate in a proportional representation election. In a plurality election, a candidate who was endorsed by both the regular Republicans and the Charter Committee would be practically certain of election. Two candidates in 1927 had such endorsement. One of them was the fifth elected, and the other, after trailing during most of the count, came ahead at the end and was the ninth candidate elected, though his election was in doubt until the final transfers were completed. The reason for this is that it is necessary to have enough first-choice votes to keep the candidate in the running until he can benefit from his lower-choice votes. A candidate who is endorsed by both of two hostile groups is not likely to get as many first-choice votes as he otherwise would, because each side

mistrusts his relationship to the other and there is a general feeling that, being on both tickets, he is bound to be elected anyway and a voter would better give his first-choice vote to another candidate.

The regular Republican organization has been experimenting, but has apparently not yet found a way to "beat the system." In the first election it thought that it would gain strength by concentrating on only six candidates. But it found that this was a source of weakness, because it had fewer candidates than it might have had to rally its friends to the tickets and so pass on additional votes to its leading candidates when they were eliminated. It also attempted to district the city by wards, by dictating to its voters in each ward, not only for what group of candidates they should vote, but in what order they should vote them. In this it failed signally in several wards, because the voters would not accept the dictated first-choice candidate. It also tried to pair candidates, with the result that only one of each pair was elected, and not the strongest candidate. In the 1927 election it endorsed nine candidates, but two of them were also Charter Committee candidates. Three of the others had been backers of the Charter Committee in the 1925 election. Apparently 1925 Charter Committee and 1927 Republican did not mix, for these three candidates together had only 4,300 first-choice votes to over 31,000 for the other four regular Republican candidates. In 1929 the Republican organization endorsed a full ticket of nine of its own men,⁵ but tried to district the city by precincts. This was more successful than the previously attempted districting by wards, but caused dissatisfaction among the candidates themselves and may have been responsible for the failure to elect more than three councilmen. The plan handicaps the stronger candidate in favor of the weaker.

In each of the elections a regular Republican candidate led the field in only eight wards, though in the last previous election of councilmen by wards the Republican organization had carried twenty-five out of the twenty-six wards.

Lest it be said that all this applies equally to nomination by petition and non-partisan election at large, let us see the peculiar value of proportional representation as evidenced by these last three city elections. While the same candidates would probably have run on a

⁵ One was the so-called unaffiliated independent elected in 1927, but who after election went over to the Republican group.

non-partisan ticket, the make-up of the council would have been different. Without proportional representation, the Charter Committee would probably have elected all nine, or at least eight, of its candidates. In that case, there would have been little or no minority representation until the Charter candidates split among themselves. But suppose the time comes when the Charter Committee group is no longer in the majority; then it will be of incalculable benefit to assure the election of representative independent citizens to the council to constitute a fighting minority. As a matter of fact, very few of the divisions in the council have been along strictly party lines.

Cincinnati has had for the past four years a truly representative council. Representation is no longer by geographical units, but by groups having like interests. The council received the votes of over ninety per cent of the persons voting instead of the usual fifty to sixty per cent. Labor had a representative in the first council under proportional representation. The business element is represented. The independent voters of the city have their representatives, and the politicians of both parties have representatives. It is in most cases the best from all of these groups that are chosen as a result of proportional representation.

It is interesting to note that no Charter councilman who ran for reelection has been defeated. Usually their individual vote has been greater each year. One Charter candidate who was defeated in 1927 was elected in 1929. The Republicans have never permitted a defeated candidate to run again, but one of their former councilmen has been defeated in each election. This is because of their attempts to control the election system in a way that does not result in the election of their best men.

Another interesting political phenomenon is that, though the women have been among the most enthusiastic Charter supporters and workers, a woman has not been elected to the council under the new system of voting. The Charter group had a woman on its ticket in 1925, but she was badly defeated. Since then no woman has been a candidate.

The organized labor element has not consistently supported its supposed representatives. The Charter group and Republicans have each endorsed a "labor candidate" at each election. In 1925, the Charter labor representative was elected. He did not run for reelection, and

no labor candidate has been elected since. When the Republican labor candidate was eliminated in 1925, only about eleven per cent of his vote went to the Charter labor candidate. When the Charter labor candidate was eliminated in 1927, less than twenty-two per cent of his vote went to the Republican representative of organized labor. In 1929, the similar transfer was only about five per cent.

No one who saw Cincinnati five years ago and today will deny the benefit of the new government. Even the leading spokesman for the opposition has recently admitted publicly the fine public spirit shown by the independent Republicans of the Charter group. Giving all due credit to the city manager plan, and to a most fortunate original choice of city manager, if the city is to keep the gains that it has made it is essential that it retain the proportional representation method of voting. The politicians know this, and are only waiting for the people to become less interested in order to attempt to bring about a change in the method of voting. It is, therefore, essential that the arguments against proportional representation be studied, in order to see whether they are borne out by the facts.

The arguments that were made against the system in the 1924 campaign were four: (1) it disfranchises voters; (2) it accentuates racial and religious animosity; (3) it destroys party responsibility; and (4) it creates *bloc* government.

Does proportional representation disfranchise anyone? In the 1925 election, after an intensive educational campaign on proportional representation voting, less than three and one-half per cent of the voters who went to the polls were unable to mark their ballots correctly. In the 1927 election, which was not preceded by such an intensive campaign of education, about five and four-tenths per cent of the ballots were blank or marked incorrectly. Last year, the invalid ballots represented only four and six-tenths per cent of those cast. These are extremely small proportions of invalid ballots. There were about 5,000 more valid votes cast in 1927 than in 1925, despite the larger proportion of invalid ones, and the 1929 vote exceeded that of 1927 by over 14,000, and was the largest ever cast in a city election in Cincinnati. This shows that the electorate is taking a larger interest in the city elections.

Whether or not proportional representation has encouraged voting, it has encouraged a complete expression of the voter's will. About

ninety per cent of the people who voted first choice for candidates not endorsed by either the Charter Committee or the Republicans in 1925 had their ballots marked for some candidates so endorsed as a later choice. If we eliminate the votes for the two negro candidates, the percentage of transferable ballots was ninety-two and one-half. Some persons were so anxious to have a complete expression that they numbered all thirty-nine candidates; while one careful voter began at the top with number one and marked each candidate in order, placing number forty in the blank space at the bottom of the ballot.

Nobody who can read and write is disfranchised. The success of democracy depends on an intelligent electorate. We need have no fear if we disfranchise only those so ignorant that they cannot vote without birds.⁶

The evidence of the last three municipal elections does not support the contention that proportional representation accentuates racial and religious animosity. The writer knows of no candidates who represented racial groups in any one of the elections. The transfers show votes cast for principles or political groups, rather than on religious lines. In the 1925 election, when the leading candidate elected, a Democrat endorsed by the Charter Committee, was a Catholic, about sixty per cent of his transferable ballots went to non-Catholic candidates. Of the votes transferred to Catholic candidates, about three-fourths, or thirty per cent of his total vote, went to a fellow Democrat endorsed by the Charter Committee. This vote was primarily Charter-Democratic, for on the latter's elimination, a non-Catholic Democrat endorsed by the Charter Committee was the main beneficiary of his transferred ballots. Barely over eight per cent of the leading Charter-Democratic candidate's transferable ballots went to the Catholic Republican candidate who was elected in 1925. In 1927, this same candidate received less than nine per cent of the former's transferable ballots. Barely two per cent of the leading Jewish candidate's transferable ballots went to other Jewish candidates in 1925 and 1927.

As no Catholic candidate endorsed by the Charter or Republican groups had a surplus, or was eliminated until the election was over, it is impossible to make any deductions from transfers in the 1929 election. The candidate on the Republican ticket who was a Jew

⁶ The Republican and Democratic emblems on the old partisan ballots in Cincinnati were the eagle and the rooster.

was the second to last one eliminated. Less than fourteen per cent of his ballots went to the Charter candidate who was a Jew, while about seventy-one and one-half per cent went to four other non-Jewish Republican candidates.

An analysis of the precinct vote in the last election shows that social considerations, among which are included religious affiliations, played a larger part than previously in voting for the individual candidates. This was probably due to the fact that the candidates on the Charter side were not as well known publicly and the political issues not as clear cut⁷ as in the two previous municipal elections.

The negro voters showed more solidarity as far as transfers are concerned, but they did not support candidates of their own race in sufficient numbers to see them cut any figure in the first two P.R. elections. In 1925, there were two leading negro candidates, one of whom received about 1,100 votes and the other about 1,200. When the lower one was dropped, about half of his vote was transferred to the other negro candidate. In 1927, one of the negro candidates received 3,409 first-choice votes and another 269. The latter received 89 votes by transfer before he was eliminated. On his elimination, 137 of his 358 ballots went to his fellow-negro candidate. In 1929, the negroes made a particularly strong campaign for their two candidates. They received a total of about 8,000 first-choice votes, almost 6,000 less than the quota necessary for the election of one councilman. One of their candidates was high on first-choice votes in three out of twenty-six wards and tied for first in another. In one precinct, the two negroes received 223 first-choice votes out of 242 ballots cast, and in another 215 out of 256. These are remarkably high percentages and show an unusual solidarity. Yet the candidates received hardly fifty per cent of the estimated negro vote throughout the city. On transfer, the remaining negro received almost seventy-two per cent of the vote of the one first eliminated. On the former's elimination, about fifty-five per cent of his ballots became ineffective for failure to vote for other candidates. These votes, if they had all gone to the Republican candidates, would have elected one more of their number. But if they had been divided among all the remaining candidates in the same proportions as the transferred votes were divided,

⁷ The Republican candidates declared that they favored the manager plan of government and the retention of the existing city manager.

they would not have affected the final result. Many of the negro voters preferred the Charter candidates if they could not have one of their own race in the council.

The candidate who was supposed to have the backing of the less liberal forces, while barely elected in 1925, was not reelected in 1927. The communist candidate in 1925 had 131 first-choice votes and only 221 all together before he was eliminated. He did not run again in 1927 or 1929.

It will thus be seen that racial or religious groups really have less effect in proportional representation elections than in ordinary plurality elections, because they cannot swing, or even threaten to swing, the election of an entire ticket, but at the very outside might possibly influence the election of only one candidate.

The next argument against proportional representation was that it would destroy party responsibility. If by this is meant that the voters will cross national party lines in municipal elections, be it said at once that it *will* destroy so-called "party responsibility;" and that this is a benefit rather than otherwise can be stated on the authority of no less orthodox a Republican than the late Senator Penrose of Pennsylvania, who said: "Municipal government increases in efficiency in the exact ratio in which it is divorced from partisan politics." James Bryce, in giving his reasons for stating that "the government of cities is the one conspicuous failure of the United States," cites, as one of the principal reasons for this failure, the introduction of state and national politics into municipal affairs. But though the city government is two to one non-partisan, Hoover received the largest vote that any Republican presidential candidate has received in Cincinnati.

As to whether proportional representation will result in the creation of *blocs*, nothing can be proved either way by the history of Cincinnati thus far. As long as the City Charter Committee continues to be a fighting organization and is able to elect a majority of its candidates, we are not likely to have *bloc* government in the city council. As a matter of fact, on practically all important questions that have come before the council, the questions have not been decided on party lines and members of both groups have been found on both sides of the question.

For years Cincinnati suffered from the same political ills that affect the other large cities of the United States. An essential for better-

ment was to have an opposition that was a constant threat to the control of the Republican party, and that could take charge of municipal government when that party became discredited. The Democratic party was not able to constitute such a constant threat. The few times that it did take over the government its administration was not able to succeed itself. The independent voters were a larger group than the faithful adherents of either party, but for lack of organization they were not effective. The old election system, with its primary, party emblems, and ward contests, discouraged independent organization. The new charter has furnished a means for independent expression. The city can always elect some outstanding citizens to the council, whether they constitute a majority or not. The knowledge that they are practically bound to be elected, regardless of whether their particular party gains a majority of the votes, is a strong inducement for outstanding citizens to permit their names to go before the electorate.

Through efficient volunteer organization, particularly in the less congested residential districts, the control of the city government has been taken from the politicians who played off one party against the other and used the less fortunate citizens to turn the balance of political power. The central count has assured an honest tabulation of the ballots cast. There has been no disfranchisement worthy of the name, and no racial or religious prejudices have been aroused that were not always in evidence. In fact, the threat of minority groups has been lessened. And whether because of the new type of government or because it has been a symbol for civic pride, the city has found the personnel of the new government unparalleled in ability, integrity, and scope of representation. What is more significant, the independent citizens of the city were able to elect a majority of candidates who could be, and were, reelected. And when four out of six of these councilmen decided to retire in 1929, the independent citizens of the city elected four more in their places who give every assurance of carrying forward the banner of honest, impartial, efficient, non-partisan municipal government in Cincinnati.

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NOTES ON INSTRUCTION AND RESEARCH

Requirements for the Doctorate in Political Science. The general insistence of American college and university administrators has resulted in making the Ph.D. degree the most important evidence that an applicant for a teaching or research position can present as proof of his training and ability. There are exceptions to this rule, of course, and a college president who had the time and the ability to make a personal selection of his men could undoubtedly recruit an excellent faculty without employing a single holder of a doctor's degree. Even in college circles, however, such a faculty would be a marvel, and among universities where graduate study is emphasized the suggestion of such a basis of recruiting would probably be considered preposterous. In the course of two generations the Ph.D. training has become accepted as the best available preparation, speaking generally, for college and university teaching. One of the first questions asked by appointing officers always is, "Does he have his degree?"

The investigation which resulted in the present article was motivated by a desire on the part of the writer to formulate a defensible set of requirements for the Ph.D. in political science at the University of Minnesota. He thought it wise to analyze the requirements in other graduate schools and departments of political science in order to discover new trends, if any exist, which seem to point to a future reformulation of the requirements. It must be said that the printed requirements revealed little of what was expected. The innovations which exist have in only a few cases reached the state of published legislation. They are still mainly in the state of custom and unwritten law, and are thus unknown to graduate students until they actually register for work. The results of the inquiry are here presented for whatever value they may have to others.

Any complete analysis of the requirements for the Ph.D. in political science would involve a consideration, not only of the length, breadth, and depth of the required training, but also of the content and quality of the work which is accepted as satisfactory. The writer wishes at the outset to disavow any claim to having made a study as comprehensive as this. All that he has done is to analyze the printed requirements, as set forth in the graduate school bulletins of the princi-

pal American universities offering graduate instruction, and to supplement and verify doubtful points as far as possible by correspondence.¹ He is fully aware that unpublished requirements are enforced in various institutions which go beyond the minimum requirements set forth in printed announcements. He is also fully conscious of the fact that the value of the training received by a candidate depends more upon the men who guide his work than upon the formal requirements for the degree. At the same time, the published requirements, even where incomplete or out of date, have some value as evidence of the ideal standards established in the various institutions.

One more preliminary apology is probably needed. The interpretation of matriculation and graduation requirements in university bulletins is a difficult and technical matter. No doubt every university has its own expert in this field who could easily convict of total ignorance any mere outsider who attempted to offer an explanation. The difficulty for the alien interloper is increased by the many different ways the schools have of saying, or trying to say, the same thing, and the consequent doubt whether they are not trying to say something different. A standard statement of a standard requirement would greatly simplify matters for candidates for higher degrees. This should not, however, be construed as a plea for uniformity of requirements.

The general standards of attainments required for the Ph.D. degree are stated for all departments in graduate school bulletins or announcements. In addition, some departments of political science print special requirements for the degree in that field. Where such special statements are lacking, we must assume that political science students need comply with only the general regulations for the degree. It is from these general requirements that most of our information has been obtained.

Requirements as they now stand may be grouped under the following headings: (1) prerequisites, (2) linguistic equipment, (3) length of training time, (4) breadth of training, including minor subjects required, (5) distribution of work within political science, (6) thesis requirement, and (7) special courses and seminars required.

¹ Special attention has been paid to the bulletins of the twenty-seven American graduate schools represented in the Association of American Universities, and to those of some half-dozen other leading institutions.

Prerequisites. Everywhere the general prerequisite for graduate work is the completion of an undergraduate course of study leading to the B.A. or B.S. degree. The Johns Hopkins statement is somewhat different, but the substance is the same.

To major in a particular department, a candidate would seem to require a more definite preparation in the subject, although a brilliant student may do very well without it. Some universities publish no clear statement upon this point, but rely rather on the departments to determine the candidate's fitness. At Chicago, the graduate student in political science must have had the introductory courses (American and Comparative Government) or their equivalent, and he is also expected to have some familiarity with the other social sciences. The department at Cornell has a similar requirement. At Illinois, the department specifies that the student should have had at least eighteen semester hours of undergraduate work in political science, economics, and history, of which nine must have been in political science. At Iowa and at the University of Washington, a satisfactory amount of undergraduate work in the chosen subject is required but not defined. At Minnesota, eighteen quarter credits (twelve semester credits) in the field of political science are required as prerequisites. At Nebraska, the candidate for a higher degree in political science must have completed an undergraduate major in the department, or its equivalent. Syracuse specifies nine hours of advanced work in undergraduate courses in political science and "an introductory knowledge of the other social sciences, including social psychology." At Wisconsin, students "notably deficient in their preparation," in that they fall far short of having had an undergraduate major in the subject, may be required to make up the deficiency without graduate credit in the first year of graduate work. Yale lists three basic courses, some of which students not otherwise prepared are expected to take.

This summary of some of the published prerequisites for graduate work in political science suggests, not that there are few institutions which insist upon previous training in the subject, but rather that the requirements are not always published and that departments wish to leave themselves free to accept candidates with valuable but unstandardized training for graduate work.

Linguistic Equipment. 1. *English.* Important literatures in political science are to be found in English, German, French, Italian, and other modern languages. For the American graduate student in politi-

cal science, who may become a teacher, writer, research worker, public official, or journalist, no doubt a first requirement is the ability to write clear and effective English with a fair degree of facility. The doctor's thesis provides a delayed but substantial test of this capacity. A few of the leading graduate schools make clear requirements upon this point. At Chicago, "the candidate must show that he has a good command of literary expression;" at Columbia, he must demonstrate "his ability to express himself in correct English;" at Harvard, "a command of good English, spoken and written," is required; and at other institutions such as Cornell, Iowa, Johns Hopkins, Michigan, Minnesota, and Wisconsin, there are similar requirements, usually in connection with the thesis. A considerable number of graduate schools print no specific requirement as to English, but undoubtedly most of them tend to enforce such a requirement to some extent.

2. *Foreign languages.* There appears to be more diversity in the requirements with reference to foreign languages. The usual printed requirements specify French and German, with certain exceptions to be noted, and there can be little doubt that for political scientists these two modern foreign languages are of preëminent importance. There is scarcely any subject relating to public affairs to which scholars writing in German and French have not made outstanding contributions. Furthermore, in quantity and quality the political science literatures in French and German surpass all others except the literature in English. Hence these two foreign languages would appear to be essential tools for the scholar in political science, although not equally useful in all divisions of the subject.

Both direct and indirect attacks have been made upon the foreign language requirement for the doctorate. The studies of certain educators have revealed that many doctors of philosophy are opposed to the language requirement, that many slip through their graduate work without adequate language preparation; and that many of the latter, and no doubt some who are better prepared, make very little use of the languages in their subsequent work. A recent study of the situation, which analyzes, among others, the replies of 53 holders of the doctorate in political science, reveals that of the total number all were examined in French, all but one in German, three in Latin, four in Spanish, and one in Dutch.² Several therefore were examined in more than

² Betts and Kent, *Foreign Language Equipment of 2,325 Doctors of Philosophy* (1930), pp. 106-112.

two languages. Based on their own estimates, only four per cent claimed excellent command of German as graduate students, 46 per cent confessed to fair ability, and 50 per cent admitted poor ability. As to French, 20 per cent claimed excellent reading ability as graduate students, 60 per cent rated themselves as of fair ability, and 20 per cent as of poor French reading ability.

Furthermore, only 13 per cent claimed increased skill in German reading after graduate study, and 53 per cent confessed to decreased skill, while for French the corresponding estimates were 22 per cent and 42 per cent. Those who answered the questionnaires also estimated the extent of their reading in the two years prior to answering. The results, with duplications apparently eliminated, were that seven had read from one to five German books each in the two years, nine others had read from ten to 250 pages each, and two from 300 to 1,500 pages each—a total of eighteen reporting. In French, seven had read from one to three books, three from eleven to 100 books, seven from ten to 350 pages, and two from 5,000 to 6,000 pages—a total of nineteen reporting. In numbers of readers and in quantities read, these figures were below the estimates for the amounts of reading in these languages during graduate study.

The reasons for decreased use of the languages after graduate study were not given in detail. One could think of many possible reasons, but would hesitate to assign proportionate weights to them. Indolence might be a factor; lack of stimulus in the environment of some institutions; lack of proper library facilities and of the latest books and periodicals; enforced cessation of German reading during the war when new books in German were unavailable, and the difficulty of again picking up the threads after the war; preoccupation with administrative duties; engrossment in research upon some American problem, where German and French writers have little to contribute—in fact any one or several of a number of factors, more or less fortuitous might have the effect indicated. None of these, certainly, could be counted as arguments against the foreign language requirements, any more than the fact that some Ph.D.'s never do any substantial research work in their subsequent careers can be used as an argument against teaching them research methods.

We are brought back, of course, always to the problem of educational ideals. What should the Ph.D. in political science represent? Most students, in formulating this ideal, are not wholly visionary. They

look at the leaders in their particular profession in order to ascertain what useful tools and equipment they have, and permit them to be their guide. We see, in fact, that the leading teachers, writers, and research scholars in political science are almost constantly, and necessarily, using French and German works. Their use of these foreign tongues both broadens and enriches their writings. If these language tools are so highly useful to the leaders, we ought to see that every graduate student is equipped with the same tools, since every one is a potential leader in his profession. This does not at all mean that every man will use his tools, or that good research work cannot be done with other tools and without the use of foreign languages.

Although much more might fruitfully be said upon this subject, we pass on to observe that several new factors are operating in political science to increase the importance of the foreign languages. The rapid growth of the fabric of international institutions since the War, the increasing recognition by nations of their international relations and obligations, and the constant increase in the number of international conferences, scientific, economic, administrative, and political, have made political science increasingly an international subject. The attempt also in the social sciences to break down the artificial boundaries which have separated political science, economics, sociology, and other disciplines from each other is giving new importance to French and German sociology, economics, and public law for the American political scientist. In addition, with the successful establishment of *Social Science Abstracts*, the best of the world's scientific literature in the social sciences is now brought conveniently and regularly to the attention of American scholars, and there is less excuse than ever for the scholar who does not frequently consult foreign periodicals and books.

Frontal attacks upon the requirements of German and French have generally failed, but flank attacks have had some success. These have usually taken the form of permitting substitutions, for in many instances such substitutions can be supported by highly plausible arguments. A graduate student who is set to work on a thesis in Latin American government or diplomacy, or in Dutch colonial policy, may find Spanish or Dutch more immediately useful in his research, and can argue that it is unfair to ask him to know both French and German in addition. It would appear from the published requirements that such a plea would have no effect at Cincinnati, Cornell, Harvard, Illinois, Michigan, Princeton, Nebraska, North Carolina, Northwestern,

Texas, Washington University, George Washington, Yale, and Wisconsin. A reading knowledge of both French and German is required at these institutions, and apparently without exceptions. Other languages required for research, if any, are in addition to these two.

The rule is otherwise at certain other institutions. The graduate student at Columbia must show ability "to read at least one European language other than English," and such additional languages as his department may deem essential. The department of public law and jurisprudence (political science) seems to require both French and German for one of its fields, but permits Latin to be substituted for German in the field of international law and relations, and for either French or German in Roman law and comparative jurisprudence. For American government and constitutional law, French or German is the normal requirement. California permits Oriental students in political science and a few other departments to substitute English for either German or French, and permits other substitutions to be made by non-Orientals on recommendation of the department concerned to the graduate council. Chicago in its general statement definitely permits a student, on recommendation of his department, approved by the dean, to substitute "any other Germanic language" for German, "and any other Romance language for French," but the department of political science as definitely states in its announcement that it requires both French and German. Johns Hopkins, instead of specifying French and German, requires the candidate to be able to "translate at sight not less than two modern foreign languages designated as essential by the department in which he is a student." The department of political science at Johns Hopkins adds, however, that "except in very special instances, the student will be expected to have a reading knowledge of French and German;" and exceptions are very rare. New York University, Ohio State, and Syracuse have requirements similar to the general one at Johns Hopkins with reference to two modern foreign languages. A number of other institutions, such as Indiana, Iowa, Kansas, Minnesota, Missouri, Pennsylvania, Stanford, Virginia, and University of Washington, state a requirement of French and German, but permit substitutions in some cases, more or less rare, where the substitute language will be "of greater service in the major field," or words to that effect.

To what extent shall the student know his foreign languages? Obviously these are tools which he should be able to use readily to master

his materials printed in other tongues. Ability to read and translate is, therefore, the usual and the sensible requirement, and no school goes so far as to require the ability to write or speak the language. The reading requirement appears in different forms in different graduate school announcements, and undoubtedly there is much diversity in the interpretation of the degree of proficiency really desirable. The ability to read understandingly materials in one's own field, without excessive reliance upon the dictionary, would seem to be a minimum standard. Whether the language department or the subject-matter department is best qualified to give this test will depend somewhat upon local conditions.

How early in his graduate career should the student prove his ability to read foreign languages? Ideally, he should know his tools before he begins to take seminar courses, and certainly before he begins work upon his thesis. If a student first takes a master's degree in a university which requires a reading knowledge of one foreign language for the degree, he will usually be able to use that language during the last two years of graduate work. The rules usually stipulate, however, merely that "before admission to candidacy," or "before taking the preliminary examination," the student must demonstrate his knowledge of the languages. This may mean less than a calendar year, and in some cases as little as seven months, before the final examination; and the thesis may have been begun long before the language tests are taken. Obviously the requirement has not attained one of its objectives where it permits the examination in the language to be put off to so late a date. It must be evident, also, that unless the graduate student is compelled to use his language tools in courses during his student years he will be relatively inexperienced in handling them and will be less inclined to use them in after years. Pennsylvania, which has an unusual formulation of the requirements for the degree, has taken a forward step in providing that "in the case of students who enroll after June, 1927, a period of not less than two years must elapse between the satisfaction of the modern language requirement and the final examination." Cornell stipulates that the candidate must show his reading knowledge of French and German "before beginning his second year of residence." At Princeton he must show ability to read one language by the end of his first year of graduate study, and to read a second language by the end of his second year. Surely these requirements move in the right direction.

Length of Training. The graduate school bulletins state in most cases only the minimum period of time required for the work which leads up to the Ph.D. degree. At California, Columbia, Harvard, and Princeton, not less than two academic years of graduate work are required. How much more than this is normally exacted does not in each case appear, although Harvard stipulates that the degree "is not usually taken in less than three years," and Princeton "that in all but the rarest cases three years will be found necessary." The Johns Hopkins University requires students who register for the Ph.D. as juniors to devote at least four years to obtaining the degree, but students who enter with the A.B. degree are in fact required to devote at least three years to graduate study before obtaining the doctorate. Over half of the institutions whose requirements were examined (Cornell, Iowa, Illinois, Indiana, Minnesota, Missouri, Nebraska, New York University, Northwestern, Ohio State, Pennsylvania, Stanford, Syracuse, Texas, Virginia, Washington University (St. Louis), University of Washington (Seattle), George Washington, Wisconsin, and Yale) specify "at least" or "not less than" three years of graduate study. The others indicate that three years is the "normal," "usual," or "ordinary" requirement, but in some cases they leave the impression that in exceptional cases less than three years may suffice. No matter what the graduate school bulletins say, however, there appears to be no great deviation in practice from the standard requirement of three years of full-time graduate study. Furthermore, the tendency appears to be upward rather than downward.

The difficulties of defining full-time graduate work are serious, however, and have not been entirely solved. There are numerous cases of students doing teaching or other work for pay while pursuing graduate study, of students whose careers are interrupted by illness or by the necessity of dropping graduate studies for remunerative work for a year or more, and of students who try to pile up "credits" in summer schools to meet residence requirements. There is every possible case from that of the capable and well financed student who goes directly from undergraduate to full-time graduate work and completes the requirements in three years, or possibly even less, to the student whose work proceeds slowly through many interruptions and intermissions for six, eight, or even more years.

How to measure such careers fairly without counting courses it is very hard to say, and yet it is everywhere agreed that the mere ac-

cumulation of course credits should not entitle any one to the degree. Knowledge of subjects, and proved ability to do research work of a high order are, in the end, the most important tests of achievement in graduate work. One department head goes so far as to say that he pays no attention whatever to courses and credits. There is, however, no necessary incompatibility between the two methods of measurement. Quantity needs to be gauged as well as quality. It is perfectly reasonable to say to the student: "Courses are the most convenient units we know in which to measure the quantitative extent of your mastery of a field of work. We insist upon a certain quantitative achievement on the part of every candidate for the doctor's degree, and we decline to examine you for the degree until you are well along toward the completion of that certain quantity of work. We hasten to add, however, that whether you obtain the degree depends finally on the quality, and not on the quantity, of your work. Even though you have completed enough courses with satisfactory grades, you may still fail to measure up to the standards of quality which we test by final comprehensive examinations."

In measuring quantities of work, the graduate schools follow different rules. Some seem to assume that a program of fifteen credit hours per week is normal; others use twelve hours per week, or even less, as standard. In three years, or six semesters, fifteen hours per week would yield ninety credits; but of course this would include thesis work as well as work in courses. For good reasons, the student who carries a heavy burden of teaching or other outside work cannot be credited with doing full-time graduate work. For other, but also good, reasons, the student who has other obligations and appears for summer courses only is in some places required to put in additional time to satisfy residence requirements. In the latter cases, also, a few institutions limit the total time within which the graduate work may be done. To cover cases where there have been long interruptions of graduate work, Chicago has a rule that, "with the approval of the dean, a department may decline to examine for a higher degree on work done at a date so remote that it no longer represents current scholarship in the subject." Columbia provides, differently and more drastically, that "no student may continue to be a candidate for the degree of doctor of philosophy for a longer period than three years from the time he ceases to be in residence, nor for a longer period than six years from

the time of his initial registration for a higher degree." This rule clearly covers more ground in some ways than the Chicago rule. Pennsylvania provides that "the entire period of study for the degree shall extend over not more than seven consecutive years."

Breadth of Training. Breadth and depth in graduate study are closely related problems. Given the normal three to four year period of study, the student may use it either to imbibe deeply at a few of the springs of learning in the university, or to taste, but drink less deeply, at a larger number. Naturally, the requirements and the facilities of the institution will have much to do in determining the course he will follow. He may be required by the regulations to spread himself over a number of fields, or he may be permitted to devote all or most of his time to one department, or even to one division of the work in the department. We reach here the central problem as to the nature and purpose of the Ph.D. training. Is the degree to represent narrow but thorough specialization, or is it to be the token of broad scholarship carried a long stage beyond the A.B. degree?

For any subsequent pursuit, whether teaching, research, journalism, or public service, the ideal equipment is no doubt a combination of broad scholarship with a high degree of specialization in one important field. Successful preparation of an acceptable thesis is a partial proof of ability to master one limited field, and for this reason a thesis is everywhere required for the doctorate. The more emphasis put upon this requirement, however, the less time is left for other work; and no extensive analysis is required to show how little time may be left for other things in a three-year period.

Suppose we consider the entire three years as amounting to 100 per cent. We may divide this between (a) thesis, (b) major subject, and (c) minor subject or subjects, in any way we see fit. The following are some examples:

	Thesis	Major Subject	Minor
Division 1	50%	35%	15%
2	40%	40%	20%
3	33%	50%	17%
4	33%	45%	22%
5	25%	50%	25%
6	33%	67%	—

The first proposed division is probably rare, since it involves devoting at least a year and a half to work on the thesis. Under this plan, only about one year could be devoted to subjects in the major, and about a half-year to minor subjects. At the other extreme, division 5 is probably rare in putting too little emphasis on the thesis and too much on the minor. It would allow a year and a half to the major subject, which is hardly too much, and about three-fourths of a year each to the thesis and the minor subject.

The intermediate divisions, 2, 3, and 4, are probably most common. They allow a year, or a little more, on the thesis, just over a year to a year and a half on the major subject, and about a half-year, or a little more, to the minor subject. Obviously, the pie is not large enough to make each of the slices as large as it should be.

How shall the difficulties be solved? One way is to require more than three years for the doctorate. This tendency to lengthen the time for professional training has been noted in medicine and certain other fields. It may come, and perhaps is already coming, in the case of the doctorate of philosophy; but that question is outside the scope of this article.

Another solution is to reduce the emphasis on the minor field or fields, or even to eliminate the minor requirement entirely. By a "minor" is here meant a field of study or a subject outside of the major department. Under present printed regulations, there is no clear and positive requirement of such a minor at California, Chicago, Cincinnati, Columbia, Johns Hopkins, Michigan, Ohio State, Pennsylvania, Washington University, University of Washington, George Washington, and Yale. Several institutions require a minor, or even two minors, to be taken, but do not make it clear that the minor must be in a different department. On the other hand, the requirement that a political science major shall take a minor in some outside department is very clear in the announcements of Harvard (two minors), Illinois, Indiana, Kansas, Nebraska, New York University, Northwestern, Stanford, Syracuse, Texas, and Wisconsin (two minors). The requirement in certain institutions of two minors should not be construed as involving twice the usual emphasis on the minor work. At Wisconsin, both minors may be in one department, such as history or economics.

Of course the candidate's adviser or his committee usually may, and probably generally does, require an outside minor even where the

regulations omit a specific requirement to that effect. At a time when the close interrelations of the social sciences are once more being stressed, and when numerous research and teaching projects cut across departmental lines, it would probably be generally considered unfortunate if any one of the social science departments limited the training of its Ph.D. candidates to its own field. Where such requirement exists in fact, it is unfortunate not to have it published.

On the other hand, to stipulate any particular required subjects outside the department would probably be going too far. Minors should articulate with major subjects, and a minor which would be highly useful in one case would have less value in others. From ten to twenty years ago, the greatest stress seems to have been placed on history, law, jurisprudence, and economics, as supporting subjects for political science. More recently, much attention has been given to sociology, psychology, and statistics, with frequent mention also of anthropology, biology, and geography. Obviously no student has time to delve into all of these border-lands, nor would all be equally fruitful for him. The student specializing in international relations should undoubtedly take a great deal of history, but he would probably find statistical method of much less value. A student specializing in politics and parties needs to dip into psychology, economics, and perhaps statistical method, but probably needs less of law and jurisprudence to understand his chosen field.

Distribution of Work Within Political Science. We have now had a glimpse of what is required for the degree outside of political science departments. Another factor in breadth of training is the distribution of studies required within the department. At this point we need to remember that political science departments now have very extensive offerings of courses. If a student were today required to familiarize himself with all the subjects taught in a large department of political science, this work alone would give a considerable breadth to his training. His subjects would range from international law and relations to rural local government in his own state, from the most practical courses in public administration to the most theoretical courses in political philosophy, and from the political behavior of individuals to the government of great states and empires. As a matter of fact, probably no large department requires a candidate for the Ph.D. degree to cover thoroughly its entire field. Some permit a high degree of specialization, whereas others require a fairly wide distribution of

work within the department. The question of what a Ph.D. in political science should know has not been answered in the same way by any two departments, and in fact the majority of the departments appear not to have prepared any rules whatever on the subject. Let us look at the requirements of the few which have formulated their regulations.

Columbia University appears to permit the highest degree of specialization. In the department of political science ("public law and jurisprudence") are grouped four fields of study, namely (1) American government and constitutional law, (2) European governments, (3) international law and relations, and (4) Roman law and comparative jurisprudence. "The prospective candidate for the degree . . . must select one of these as his subject of primary interest. As a subject of secondary interest he may select one of these or any other subject listed" in the Division of History, Economics, Public Law, and Social Science. Thus it would appear that if he chooses as a secondary or minor subject some study outside of the department, he need offer only one of the subjects within the department. In point of fact, however, in the course of the normal three years of work it is almost inevitable that the candidate will have covered, in courses, one or more other subjects.

Yale also specifies four fields of work, namely, (1) political theory and its history, (2) comparative politics (a field which may be subdivided), (3) public law, and (4) international relations. It requires the candidate to choose one field of concentration from among the four for special work, "and to take such courses in other fields as shall be considered supplementary to his major interest." "Whatever his field of concentration, each student will be required to give evidence in an oral examination of an understanding of the principles of political science and public law, the development of political institutions, and the relation of political science to the other social sciences."

Princeton does not publish a list of fields of concentration within political science, but its regulation is that the candidate "is expected to have acquired a broad, general knowledge of the subject which he has chosen and a comprehensive and detailed knowledge of some one main division of it." The Johns Hopkins requirement is similar to this, but the department supplies the candidate also with an extensive reading guide covering all important fields of political science.

It may be noted that the Johns Hopkins, Yale, and Princeton regulations are similar in requiring a general knowledge of the whole field

within the department and a highly detailed knowledge of some major division of it. No one of these institutions by its printed regulations positively requires every major in political science to have an outside minor subject, but all seem to recommend such a course.

Harvard, in addition to requiring two minors, requires a broad distribution of work within political science proper. All the subjects covered in the department are distributed into four groups, with from one to three "fields" in a group, making nine fields in all, as follows: Group A (1) political thought and institutions; Group B (2) American constitutional law; (3) international law; Group C (4) national government of the United States; (5) state and local government; (6) municipal government; Group D (7) comparative modern government; (8) the government of dependencies; and (9) international government and international relations. The candidate must present himself in four of these nine political science fields, including field 1, also either 2 or 3, and any two others.

The Pennsylvania requirements (not printed in the graduate school bulletin) are unusual. Each candidate for examination must show an acquaintance with ten outstanding works in political science, chosen from a list of forty-one, and including Plato's *Republic*, Aristotle's *Politics*, Hobbes' *Leviathan*, and Locke's *Two Treatises of Government*. He must also present himself in comparative politics and in three other subjects chosen from a list of ten, namely: (1) international law; (2) foreign policy of the United States; (3) administrative law; (4) history and theory of the state; (5) municipal government; (6) American government (advanced); (7) public finance; (8) business law; (9) Latin American relations; and (10) parties and public opinion. An outside minor may also be required.

In the Middle West, Chicago and Wisconsin present interesting variations in their requirements. The Chicago department offers work in five fields, namely, (1) political parties and public opinion, (2) public administration, (3) political theory, (4) international law and diplomacy, and (5) public law. From these five the candidate selects one field for his dissertation and also for his final oral examination. Having made this choice, he is required by the department to take written examinations upon each of the other four fields. These examinations come at stated times each quarter, and are in addition to other examinations required by the university regulations.

Wisconsin makes the same number of subdivisions in the field of

political science as Harvard, and has very similar requirements. The nine fields of concentration offered are: (1) history of political thought, (2) comparative government, (3) international law, (4) international organization and procedure, (5) world politics, (6) public law, (7) public administration, (8) politics and public policy, and (9) legal history and jurisprudence. In a supplementary typewritten statement the courses which fall within each field are listed and the general scope of the field is defined, but this statement serves only as a general guide for the candidate. "The candidate must offer himself for examination in field 1 and four other fields so selected as to include at least one field in each of groups 2-5 and 6-9. The candidate will be expected also to give evidence that he is well informed on political methodology and bibliography." In addition, as noted above, the candidate must offer two outside minor subjects chosen from economics, sociology, history, philosophy, law, or other fields.

Nebraska has a requirement similar to that of New York University. In the latter institution the work in political science is divided into five fields: (1) American government, (2) comparative government, (3) political theory, (4) constitutional law, and (5) international law and relations. Of these, the candidate for the Ph.D. must offer three, in addition to an outside minor. Nebraska's divisions are seven: (1) national governments, (2) American state government, (3) local government, (4) public administration, (5) public law, (6) international relations, and (7) political theory. As at New York University, the candidate must offer three of these, in addition to a minor from some other department.

Three Pacific Coast institutions have also published regulations governing the work in political science. At California the fields are: (1) political theory and public law, (2) international law and relations, (3) American and comparative government and politics, and (4) municipal government and public administration. The candidate must "show high attainment and mastery in one" of these fields and must also reveal such knowledge of the others "as may be thought appropriate to the thorough exploration of the special field." For Stanford's requirements we quote from correspondence. "The fields which we offer in the department are as follows: theory, public law, politics, administration, international relations, and comparative government. We expect a major to cover four fields, and a minor to cover three fields, except that, in special cases, we might rearrange the

fields slightly, for example, by the inclusion of international law as either public law or international relations. We sometimes substitute the field of public finance . . . for a portion of the work given in this department." At the University of Washington political science is divided into four fields: (1) political theory and jurisprudence, (2) international relations, (3) national government, and (4) local government. A candidate for the doctor's degree must register during each quarter of residence in the general graduate seminar and also in two research seminars, one of which must be in the field of special investigation.

Thesis Requirement. There appears to be no exception to the rule that a thesis is required for the Ph.D. degree. Neither is there any substantial variation in the printed statements as to what is expected in the thesis. It should be based upon research; it should give evidence of research ability; and it should to some extent make a contribution to knowledge. The scope and extent of the thesis cannot, of course, be prescribed, but it appears to be assumed as a rule that the equivalent of a year or more of the candidate's graduate work will be devoted to the preparation of the thesis. As a rule all, or at least a large part, of the last year is expected to be devoted to the dissertation.

This is very little to say about so important a requirement, but one can hardly say more without getting into very controversial questions and finding oneself without the necessary data for his conclusions. Whether the thesis requirement really fulfills its purpose in training men in research, and whether the theses produced have any value or add much, if anything, to the world's stock of organized knowledge, are questions which cannot be answered from a reading of the Ph.D. requirements. Only by a critical examination of a considerable number of approved dissertations of recent years could one obtain any information worth presenting.

Required Courses and Seminars. The general rubric "political science" covers a number of different subjects and interests. As we have previously noted, it is a far cry from a course in rural local government to a course in political theory or in international relations. Without some effort to maintain a certain group unity, the teachers and graduate students in a large department are likely to find themselves drifting apart into their own special fields. Partly to bring about the unity which is supposed to be desirable, and partly for other purposes, a number of political science departments have for years

brought together from time to time all graduate students and faculty members in the department in joint seminar meetings, "journal clubs," and other types of gatherings. In some places attendance by the graduate students has been practically required. Attention may be called in this connection to the weekly seminars at Illinois, Johns Hopkins, and Minnesota, the Journal Club at Michigan, the Historical Conference in conjunction with the history department at Ohio State, the special provision for graduate students and faculty members to be together almost daily at the state historical society at Iowa, and the graduate research seminars at Northwestern, Stanford, Syracuse, and the University of Washington.

While it is likely that no two of these different organizations have the same nature or methods, the tendency probably has been to encourage participation by both graduate students and faculty members. Each will in turn contribute something from his research or reading, and the others will participate in the discussion. Long before their theses are finished, graduate students will read portions of them to the group and receive therefrom most beneficial criticisms. The weaker students may wilt under such fire, and even withdraw, but the abler ones are probably improved by the experience. All members of the department faculty, at the same time, have early and frequent opportunities to estimate the worth of the students.

The increase in the size of such groups has, of course, a slightly detrimental effect. The more numerous the students, the less frequently comes the opportunity of each to participate. With this change comes also a loss of the sense of individual responsibility for the success of the gatherings.

In recent years another useful function has been found for these joint sessions of graduate students. The attempts which have been made within the past ten or twenty years to give a higher scientific character to the work of political scientists has resulted in their putting a new stress upon the scope, the materials, and the research methods of their subject. In some of the joint seminars, regular attention has been paid to research and teaching methods, bibliography, and related matters of interest to all graduate students. Although each student has a different field of research, all have a common interest in the tools of their trade and in how, when, and where to use them.

This development is even better illustrated, it would seem, by the course at Harvard entitled "Materials and Methods of Political Sci-

ence," which is required of all graduate students during the first year of their work in research courses. At Chicago there is a similar course, "Introduction to Political Research," which all first-year graduate students are urged to take, and there are also separate courses for graduate students in bibliography and in teaching methods. The course in "Modern Political Scientists" is required of all candidates for the doctorate at Iowa. Optional courses in research methods are given also at Pennsylvania ("Research Methods"), at Ohio State ("Methods of Governmental Research"), and no doubt at other institutions; while at Syracuse the graduate seminar is devoted largely to the "discussion of the literature of the social sciences [and the] analysis of the methods of research and of the various approaches to the problems of the social sciences."

Those who are interested in the development of the new psychological approach to the study of politics, and in the application of statistical methods, may well inquire whether training in psychology and in statistics should not be required of all candidates for the Ph.D. degree in political science. Remembering the diversity of interests of graduate students and of teachers in political science, and considering also the close and important relations of history, economics, philosophy, and other studies to our own field of work, the writer would hesitate to accept in full so sweeping a proposal. He can say that he has sought diligently for evidences of such a requirement, but has found nothing beyond the fact that the departments at Chicago, Harvard, and Syracuse, among others, put great stress upon psychology and statistics, without absolutely requiring their students to present subjects in these fields.

Examinations and Tests of Quality. In his courses, in his conferences with his adviser, and in his thesis work, the candidate's ability is constantly being tested. Should he fail to maintain a respectable grade in his courses, he should be discouraged from continuing his studies. Near the end of his second graduate year, as a rule, he also usually undergoes a more comprehensive examination, written or oral, or both, covering his major and minor fields, except that the special field of concentration in which he writes his thesis may be reserved for the final examination. The preliminary examination, sometimes called the qualifying or general examination, is one of the most decisive tests of true quality as well as of breadth, depth, and accuracy of knowledge. Mental alertness, reasoning power, ability to speak clear

English, tact, and many other qualities are incidentally tested also in the preliminary oral examination. If a candidate is in any way below standard, he usually reveals it at this stage. He is then either warned or required to repeat the examination or completely eliminated from candidacy.

Having passed his general or preliminary examination, and having had his dissertation approved later by the appropriate committee of the graduate school, the candidate presents himself for final examination. Usually a period of from seven months to a year must elapse after the preliminary before the final examination may be taken. This, the last test of his proficiency, is conducted by a committee of the graduate school, consisting usually of upwards of five professors. As a rule, the committee includes the thesis committee, representatives of major and minor departments, and one or more outsiders. The examination is oral and lasts generally from two to four hours. In theory, the examination is public, but as a rule no tumultuous throngs swarm the examination room. The subjects of the final examination are the thesis, the field of concentration, and the relation of the two.

The two preceding paragraphs outline the usual procedure, but some graduate school announcements would be searched in vain for the information here given. In some cases the preliminary examination is not mentioned; in others it is provided merely that the department may give such an examination. It is, in any case, primarily the affair of major and minor departments. The thesis and the final examination more directly concern the whole graduate school.

Suggested Changes in Requirements. The foregoing analysis of prevailing requirements for the Ph.D. in political science, with its incidental commentaries, has no ulterior motive. It is not proposed that universities adopt uniform requirements, and nothing herein written should be taken to imply that in the writer's judgment one regulation or set of regulations is better than another. If anything at all might be said to arise naturally out of the statement up to this point, it is that the requirements for so important and expensive a training as that for the doctor's degree in political science should be carefully worked out in the light of the best available knowledge, and that they should, in fairness to possible candidates, be clearly and fully stated in the published graduate school announcements.

Originally there was no intention to set forth herein any proposed reforms. So many interesting suggestions of this kind have come to

the writer, however, that he feels justified in using a few more pages to state them for the consideration of others. The mention of a proposed innovation should not, however, be taken as a plea for its adoption.

1. It is frequently suggested that there should be two Ph.D. degrees in political science, one for those who are going to teach, and the other for those who are going into research work, governmental work, and other non-teaching activities. It is not clear just how the training for the two groups would differ, but it has been suggested that the teaching group should not spend so much time in research and should give some time to the study of teaching methods and problems.

It may be pointed out, however, that teaching is not the same at all levels from high school to graduate school, that here again training might have to be differentiated according to the level at which the student plans to teach, and that, furthermore, there is no complete unity of interests and needs in the other group either. If we begin to differentiate, we may be led logically to establish a different set of requirements for every specialty in the field—international law and relations, public administration, and what not. Except as to training in teaching methods as such, present Ph.D. requirements already allow a considerable variation while still preserving some unity in the training given.

2. Directly advocating the foregoing proposed change are those who believe that every recipient of a Ph.D. degree should have some training in pedagogics—although the word is now sedulously avoided. The familiar argument is that, since a great majority of men receiving the degree are going to teach, they should learn something about teaching in the course of their training.³ Having succeeded in many states in introducing requirements that teachers in the secondary schools shall have taken courses in education, the teacher-training institutions are now anxious to introduce similar requirements for those who are to teach at the college and university levels. It should not surprise the readers of this article to see a few graduate schools try experiments along this line in the near future.

Toward such experiments most readers will probably (and may we

³ Haggerty, "Occupational Destination of Ph.D. Recipients," *Educational Record*, October, 1928; *ibid.*, "The Professional Training of College Teachers," *North Central Association Quarterly*, vol. 2, p. 108 ff; Kelly, "The Training of College Teachers," *Journal of Educational Research*, December, 1927.

not add properly?) assume an attitude of honest skepticism. Whatever may be said for the attempt to teach grade-school and high-school teachers how to teach, as distinct from teaching them the subject-matter they are to teach, the case for teaching pedagogy to college and university teachers still remains to be proved. At the same time, something may be said in favor of having departments of political science themselves give some attention to the problems of teaching government at the college and university levels. There are certain problems involved in the construction of political science curricula in institutions of different sizes and types, in the planning of courses, in the giving of the beginning course, and so on, which are worthy of some attention. A course in the scope and methods of political science might well be the vehicle for conveying to graduate students some ideas about teaching problems. This is, of course, already done in some institutions.

3. The charge, often heard, that political science as taught in colleges and universities, is theoretical and impractical, cannot today be substantiated. It contains just enough truth, however, to suggest the observation that every intelligent effort to make the study more practical and realistic is worth while.

The Ph.D. in political science, unlike the M.D., is not going to practice on human bodies, but he is going to practice on minds, the very stuff from which our institutions are made, and with increasing frequency he is called upon to prescribe for the ills of sick city governments, counties, states, and even nations. To be a safe adviser in public affairs, as well as to enrich and strengthen his teaching, the political scientist needs some of the realistic experience which comes from close contact with government. It has been suggested, therefore, that a year, more or less, in each graduate student's training should be devoted to some very practical work in government and administration. Whether this should be a year in addition to the three years usually required will depend somewhat upon circumstances.

How to get the suggested practical experience is the real problem. For the fields of international law and relations, and for comparative government, a year to be spent abroad in observing the League of Nations and other international bodies at work, or in studying at first hand the political institutions of foreign nations, might be required where circumstances permit. Another use to be made of such a year would be to enable the student to learn to speak a foreign language. An alternative to the year abroad for some of these students might

be a year spent in Washington in some work for the State Department.

For the fields of local government and public administration, a year spent in the state or local public service, or in a bureau of government research or a legislative reference bureau, or in working for a league of municipalities or some great civic or political organization, might prove a desirable substitute for the year abroad; and for the field of colonial government a period in some public service in the Philippines or Porto Rico might be suggested. It would take time and patience, of course, to work out with civil service commissions and appointing officers the arrangements necessary for putting nascent Ph.D.'s at work for the public, but this can in time be done, and is no argument against the fundamental plan. The plan is, however, open to some objections, notably the one that many types of public service employment have little value as training or experience.

4. The importance to the future teacher of politics of having studied at more than one institution has frequently been asserted. The argument runs that when a student has taken an undergraduate major in political science at one institution, he would as a rule benefit by taking his Ph.D. in another. By doing so, he to some extent avoids provincialism, he comes to know the points of view of the men in more than one institution, and he is usually able to observe politics in more than one state. He gets the advantage, also, of having his work and abilities tested by two different faculties, and of gaining their sympathetic backing in seeking a position suited to his capacity and interests.

Having first attached himself to one institution, however, many a student finds it hard to shake himself free to seek other places. He finds the expense of moving considerable, and he encounters very real difficulties in adjusting himself to a new academic environment. Some students, as it were instinctively, avoid these difficulties. For the impecunious student who has started out at a school well endowed with scholarships to move to a school less adequately endowed in that way involves a possibly unbearable financial sacrifice. On the other hand, if he has started out at an institution having few valuable scholarships, he finds when he tries to move to one having more of these perquisites that he cannot compete on terms of equality with students who are better known to the scholarship committee. If he receives anything, it will probably be a small scholarship, sufficient to pay only his tuition. For a year at least, he is on trial.

Furthermore, if he moves in the course of his graduate work from one institution to another, he sometimes finds that he is compelled to spend more time than he expected in order to get his degree. This is often due to difficulties in getting adjusted, to differences in requirements, and to the lack of any fixed rule for computing residence in the various institutions. Time spent in summer schools seems to be especially hard for graduate schools to compute and to credit.

These are only a few of the obstacles encountered by migratory students; others will readily occur to any one who has had experience with them. Some of the obstacles can be overcome by the deans of graduate schools. Perhaps some wealthy foundation might be persuaded to assist capable students over some of the financial obstacles incident to migration. All things considered, however, it is felt that migration has so many advantages that it is a question whether more schools should not require candidates for the Ph.D. to have studied for at least one year in some other university.*

5. The value of a year or more of foreign travel, study, and observation has so frequently been asserted that it needs only to be mentioned here. For the field of politics, it has, perhaps, a special importance, but it needs to be well planned and to include some months of very serious study if it is really to bear fruits of value.

One especial advantage from such a period of foreign study should be the opportunity to learn to speak a foreign language, as mentioned above, and to read it with ease and rapidity. Contact with learned men and organizations, a knowledge of the local press of the country, and some acquaintance with the political leaders and the conditions of political life therein would, of course, have a high value to the future teacher of political science.

6. To return to proposed changes more easily obtainable, we may mention the suggestions for variations in the thesis requirement. Although the charge is not frequently heard in political science, one does occasionally encounter an objection to the dull digging which in some cases must be done to gather the needed data for a dissertation. It is sometimes suggested, therefore, that a well reasoned essay presenting

*The requirements for the degree at Nebraska include this sentence: "Candidates who are graduates of the University of Nebraska are expected to devote at least one year to study at another institution, in order to broaden their academic contacts."

a distinctive philosophy or point of view in politics, or that a series of shorter essays, might be accepted in lieu of the usual research thesis. Under such a plan, a student of fairly wide reading and some literary skill might prepare a thesis without undergoing the supposed drudgery of carefully compiling a considerable quantity of data. The objections to such a plan, from the point of view of research training, need hardly be advanced here. In fact, the proposed change itself is none too clear. Another proposal, that a work already published should be accepted in lieu of the usual dissertation, is undoubtedly worthy of some consideration. Much will depend upon the nature of the published work and the conditions under which it was prepared.

Were a year in some branch of public service to become a requirement for the Ph.D. in political science, a piece of work performed in the course of such work and adequately reported and documented might also be a substitute for the usual type of thesis, which is so frequently written from books. If a candidate set up and carried out a budget procedure for a city or county, or surveyed and reclassified a city's personnel, or codified a city's charter and ordinances, or prepared a ten-year improvement plan for his state, why should not such a piece of work be accepted as a thesis? A little of this sort of thing is already done. In a fairly fruitful way, it combines with the thesis requirement the practical experience suggested above.

7. Any analysis of the requirements made and the subjects offered in the various graduate schools must lead to the conclusion that a Ph.D. in political science may represent any one of many different varieties of training and preparation. Granted that no person can now cover thoroughly all branches of the subject, the resultant variation in training is, no doubt, inevitable, and it may be in part desirable. Would there not be some gain, however, if every candidate for the degree had to present some central core of subject-matter which was required of all? For example, would there not be general agreement that every candidate should be thoroughly familiar with some fifteen or twenty classic and standard works in the general field? Should any man be permitted to receive the degree without knowing Aristotle's *Politics*, Plato's *Republic*, Machiavelli's *The Prince*, Hobbes' *Leviathan*, Locke's *Two Treatises of Government*, Rousseau's *Social Contract*, Bentham's *Fragment on Government*, J. S. Mill's *Liberty and Representative Government*, *The Federalist*, and the *Communist Mani-*

festo, together with some five or ten other important works, in addition to his other subjects? Many persons would undoubtedly include a number of modern and recent works in the list.

Some such requirement is now being made in a few graduate schools, including Harvard, Johns Hopkins, Pennsylvania, and Wisconsin. Were the same principle to be accepted in other graduate schools, it would not be difficult to get substantial agreement upon the works to be included. Aside from the specific knowledge gained by his reading of such materials, the student would acquire also from some of these works something of the synthetic and philosophical point of view, and would learn to value the attempt to see the problem of government as a whole.

A study by all graduate students of the scope, the methods, and the problems of political science as a scholarly discipline, and of the relations of this study to kindred subjects, would also have a unifying effect. As we have already pointed out, however, something of this nature is already being done at several institutions.

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University of Minnesota.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

The twenty-sixth annual meeting of the American Political Science Association will be held at Cleveland, Ohio, December 29-31. Other organizations meeting at the same time and place include the American Economic Association, the American Sociological Society, the American Statistical Association, the American Association for Labor Legislation, and the American Association for the Advancement of Science. The headquarters of the American Political Science Association will be at the Statler Hotel (instead of the Hollenden, as announced tentatively in the May number), and in view of the large number of organizations meeting in the city at the time it is suggested that members will do well to make reservations a good while in advance. The program, as thus far arranged, is outlined by the chairman of the program committee, Professor William Anderson, of the University of Minnesota, as follows: "Six round tables will be conducted concurrently through the three mornings from 9:30 or 10:00 until 12:00 or 12:15. The round tables and their leaders are as follows: (1) International Law and Relations, J. W. Garner; (2) Public Opinion and the Behavior of Voters, A. N. Holcombe; (3) Political Theory, F. W. Coker; (4) Public Administration, J. M. Gaus; (5) Legislatures and Legislation, A. R. Hatton; (6) Public Law and Jurisprudence, E. S. Corwin. On Monday afternoon there will be an innovation in that, instead of a general session, there will be four section meetings running concurrently. The sections, with their presiding officers, will be as follows: (1) The Teaching of Government and Politics, K. F. Geiser; (2) Comparative Government and Politics, H. R. Spencer; (3) Colonial Government and Administration, D. P. Barrows; (4) Local Government, H. W. Dodds. The papers to be read and discussed at these meetings will be announced later. The presidential addresses of the presidents of the American Political Science Association, the American Economic Association, and the American Sociological Society will be delivered at a joint meeting at 8:00 p.m. Monday. The luncheon meeting at 12:30 on Tuesday will be utilized to hear reports from the Association's representatives on the

Social Science Research Council and other learned bodies, and perhaps also to hear a report of progress from the Committee on Policy. This session will be followed at 2:30 by the annual business meeting and election of officers. The plans for that evening are in the hands of the Social Science Research Council, and cannot be announced at this time. Other luncheon meetings are being arranged for Monday and Wednesday noons. One of these may be devoted to a brief symposium on the British Commonwealth of Nations. On Wednesday afternoon, at 2:30, there will be a joint session with the American Economic Association on the power problem. On Wednesday evening it is planned to have a dinner and smoker, without papers or addresses."

Professor Morris B. Lambie, of the University of Minnesota, is conducting an officially authorized survey of the personnel of the city government of Minneapolis. The work is part of a survey of the city government now being carried out by the Minneapolis Survey Commission.

Professor Leonard D. White, of the University of Chicago, is spending part of the summer abroad completing his study of the Whitley system in the British civil service. Professor White has lately been elected a member of the board of trustees of the Bureau of Public Personnel Administration.

Dr. William C. Casey, formerly of the University of Illinois, has been appointed associate professor of political science at the University of Chicago. Dr. Istar A. Haupt and Mr. Fred Telford, both of the Bureau of Public Personnel Administration, have been appointed lecturers in the political science department at the same institution.

Professor J. R. Hayden, of the University of Michigan, will spend the coming year in the Far East completing his study of Philippine political institutions and observing political conditions in China and Japan. His work will be carried on with assistance from the Faculty Research Fund of the University of Michigan.

Dr. Howard B. Calderwood, Jr., and Mr. Lawrence Preuss, instructors in political science at the University of Michigan, will be on leave during the coming academic year and will study in Europe. Their

places will be taken by Dr. H. A. Steiner, formerly of the University of California, and Mr. Earl E. Warner, formerly of Ohio State University.

Professor Chester Lloyd Jones, of the University of Wisconsin, is spending the summer in Mexico and has recently conducted a seminar in connection with an institute at Mexico City.

Professor William H. George, of the University of Washington, has resigned to accept the deanship of the college of liberal arts at the University of Hawaii.

At New York University, Dr. Edward C. Smith has been promoted from associate professor to professor of political science, and Dr. Arnold J. Zurcher from instructor to assistant professor.

Professor Joseph P. Harris, of the University of Wisconsin, has accepted a full professorship of political science at the University of Washington.

Professor Frank M. Stewart, of the University of Texas, will be acting professor of political science during the coming year at the University of California at Los Angeles.

Professor Lane W. Lancaster has resigned at Wesleyan University in order to accept a professorship of political science at the University of Nebraska.

Dr. Clarence A. Berdahl has been advanced to a full professorship at the University of Illinois.

Dr. Guy S. Claire, of Stanford University, has been appointed assistant professor of political science at Oregon State College.

Professor T. S. Barclay, of Stanford University, served as a member of the political science staff at the University of Missouri during the summer session.

Mr. Clyde P. Snider, of the University of Kansas, has accepted an instructorship in political science at Indiana University.

Dr. Ralph E. Page, having completed his graduate work at Syracuse University, has accepted an instructorship in political science at Bucknell University. He will give courses in public administration and public law.

Professor Charles S. Hyneman, who has resigned at Syracuse University to accept an assistant professorship at the University of Illinois, gave summer session courses at Indiana University in substitution for Professor Amos S. Hershey. His successor at Syracuse is Dr. Spencer D. Parratt.

After a year as an instructor at Harvard University, Dr. Ernest S. Griffith returns to Syracuse University as a member of the staff of the School of Citizenship and Public Affairs and junior dean of the University.

Dr. Dorothy Schaffter, associate in the department of political science at the State University of Iowa, has accepted appointment as associate professor of political science at Vassar College.

The department of political science at Ohio State University is sponsoring the formation of an Ohio League of Municipalities. A meeting was held at the University on June 20 for the purpose of forming a temporary organization.

Dr. Harvey Walker, of the department of political science of Ohio State University, served as a member of the teaching staff of the third annual short course on citizenship and public administration at the University of Southern California.

Dr. John T. Salter, formerly of the University of Pennsylvania, and more recently of the University of Oklahoma, has accepted an associate professorship of political science at the University of Wisconsin. Mr. John D. Lewis, graduate assistant, has been appointed instructor in political science at the same institution.

Dr. Peter H. Odegard, of Williams College, has accepted an appointment as professor of political science at Ohio State University. His place at Williams will be taken by Dr. Charles Fairman, formerly of Harvard University.

Dr. Joseph R. Starr, instructor in political science at the University of Minnesota, will spend the coming year in England, where he will make a study of the educational and research activities of British political parties, particularly the Liberal party.

Mr. Elmer E. Hilpert, of the department of political science at the University of Minnesota, will serve as instructor in municipal government at Western Reserve University during the coming academic year.

Professor Frank W. Prescott, of the University of Chattanooga, is serving as executive secretary of a Tennessee state tax committee which is engaged upon an exhaustive study of local, county, and state tax problems.

Dr. John W. Manning, formerly instructor at the State University of Iowa, has been appointed associate professor of political science at the University of Kentucky.

Mr. William M. Hargrave, graduate assistant at the State University of Iowa in 1929-30, will be an instructor in political science at DePauw University during the coming academic year.

Professor Harold F. Gosnell, of the University of Chicago, is completing a study of precinct committeemen in Chicago. A similar study is being carried on in New York City by Dr. Roy V. Peel, of New York University.

Professor Oscar Jászi, of Oberlin College, is teaching at the University of Chicago during the second term of the summer quarter.

Mr. W. Fred Cottrell, who recently completed his work for the doctorate at Stanford University, has been appointed assistant professor of political science and sociology at Miami University.

Dr. J. A. C. Grant, of the University of Wisconsin, has accepted an assistant professorship of political science at the University of California at Los Angeles.

Mr. Joseph Kallenbach has been appointed instructor in government at Iowa State College.

Professors F. G. Crawford, Maurice R. Scharff, and W. E. Mosher, of Syracuse University, are undertaking a survey of the control of utilities as exercised by public service and other commissions throughout the United States. It is proposed to include in the survey a critical analysis of the personnel and the functioning of the public service commission, and of its authority under the law, as these may be discovered in public reports and field investigations.

Professor Orren C. Hormell, of Bowdoin College, is expanding the study of public utility control abroad that was published as a part of the report of the legislative commission investigating the public service commissions law of New York State. The work is being carried on under the auspices of the School of Citizenship and Public Affairs of Syracuse University.

It has been announced that the Page Memorial School for International Relations, to be established at the Johns Hopkins University, will be placed under the direction of Mr. John V. A. MacMurray, former United States minister to China.

Under provisions of the will of the late Austin B. Fletcher, of New York, a Fletcher School of Law and Diplomacy will presently be opened at Tufts College. The object will be to train students for the foreign service and for the practice of international law.

In connection with the inauguration of Dr. William C. Dennis as president of Earlham College, an Institute of Polity was held at Richmond, Indiana, May 15-17. Among the speakers were Professor George G. Wilson, of Harvard University, Dr. James Brown Scott, president of the American Society of International Law, and Mr. Francis White, assistant secretary of state.

Courses in political science are being given in the summer session of Syracuse University by Professors William Anderson of the University of Minnesota, Walter Laves of Hamilton College, and W. Q. Dealey of Western Reserve University.

Upon the resignation of Colonel C. O. Sherrill as city manager of Cincinnati, the city council chose as successor Mr. Clarence A. Dykstra, director of personnel and efficiency of the Los Angeles department of water and power, and professor of political science at the University of California at Los Angeles. Mr. Dykstra served for some years as secretary of the Cleveland Civic League and of the Chicago and Los Angeles city clubs, and formerly taught at Ohio State University and the University of Kansas.

Historical investigation of the classification of crimes and the relation of such classification to penalties has been selected as the first project to be undertaken by the Foundation for Research in American Legal History, recently established at the Columbia Law School, under the directorship of Professor Julius Goebel, Jr. The second project will be a study of the development of chancery in America, including a study of colonial chancery courts and the growth of their unpopularity, and a study of the aims, methods, and accomplishments of the fusionists.

At a conference on governmental relationships, held at the University of Minnesota July 15-18, sessions were devoted to relationships in law enforcement, in the administration of public utilities, in public finance, and in public health administration. The forenoon sessions were devoted to formal addresses and the afternoon sessions to round-table discussions.

The fourth session of the Institute of Public Affairs at the University of Virginia was held August 3-16. Among round tables and leaders were: (1) the administration of public business, Professor Thomas H. Reed, of the University of Michigan; (2) business in government, Mr. Clarence A. Dykstra, city manager of Cincinnati; (3) our Latin American relations, Professor Clarence H. Haring, of Harvard University; and (4) reorganization of state government, Hon. Harry F. Byrd, ex-governor of Virginia.

The Seventh Institute of the Norman Wait Harris Memorial Foundation was held at the University of Chicago June 16-27. The general subject of the conference was the foreign policy of the United States. The lecturers included Yusuke Tsurumi, former member of the Jap-

anese Parliament; George Young, former attaché in the British diplomatic service; Victor Andres Belaunde, professor of Latin American history, University of Miami; Percy Elwood Corbett, dean of the Law School, McGill University, Montreal, Canada; and George H. Blakeslee, professor of history and international relations, Clark University. In accordance with the usual plan of the Institute, a series of round-table meetings discussed various problems of American foreign policy. Some twenty-five specially invited scholars and publicists were in attendance.

The Local Community Research Committee of the University of Chicago has undergone an important reorganization. Membership on the Committee was formerly given to six departments and schools. Commencing July 1, the members are individual persons appointed by the president of the University for an annual term. In addition, there has been organized a University Social Science Research Council comprising fourteen representatives of as many departments and schools in the social science group. It is expected that a more highly integrated program of research in the social sciences will be developed by the newly organized Local Community Research Committee, the members of which for 1930-31 will be Professors Charles E. Merriam, Harry A. Millis, Edith Abbott, and Edward Sapir. In line with this program of reorganization, the Social Science Conference, a body which comprises the whole teaching and research staff in the social sciences, and numbering somewhat over one hundred, is expected to become more active. The chairman of the Conference for 1930-31 is Professor Leonard D. White, and the secretary, Professor Donald Slesinger. The Personality Committee of the Local Community Research Committee announces the appointment of Dr. Franz Alexander, the noted German psychiatrist, for 1930-31.

Research fellowships in political science have been awarded as follows by the Social Science Research Council for the year 1930-31: James A. Maxwell, of Clark University, for a study of federal subsidies to the Canadian provinces since confederation; Samuel Dale Meyers, Jr., of Southern Methodist University, for a study of the Permanent Mandates Commission of the League of Nations, with special reference to its work in connection with the "A" mandates; John T. Salter, of the University of Oklahoma, for a study of the ward leader in relation

to Republican organization in Philadelphia;¹ and Howard B. Calderwood, Jr., of the University of Michigan, for a study of the Secretariat of the League of Nations and of related international organs in their dealings with member governments. Mr. Eugene Staley, of the University of Chicago, was reappointed to a fellowship and will continue his study of international private investments as a factor in international relations. In all, the Committee on Research Fellowships considered 109 applications and made thirty awards, with stipends aggregating approximately \$80,000. The closing date for applications for 1931-32 is December 1, 1930.

The Graduate School of the American University has approved the plan to establish and maintain a continuous current digest of official acts and other facts relating to the conduct of the foreign relations of the United States. Professor Ellery C. Stowell, of the department of international law, will direct the enterprise, with the coöperation of Professors Charles C. Tansill and Irvin Stewart. Competent assistants will keep in touch with the different branches of the government and visit the commissions and bureaus which deal with international affairs. Information so gathered will be multigraphed and mailed forthwith to those who desire to keep informed in regard to these questions. It is the purpose to place this service on a paying basis, but during an initial or trial period a nominal charge will be made merely to cover the actual cost of paper and postage—a deposit of \$10.00 will suffice. At the end of six months or a year, the separate items will be assembled and published in a more permanent form. It is planned to extend the digest later to cover the whole field of the government's activities at Washington.

¹ In view of his recent appointment at the University of Wisconsin, Professor Salter's fellowship has been deferred a year.

BOOK REVIEWS AND NOTICES

EDITED BY A. C. HANFORD

Harvard University

The Constitutional Law of the United States. Second Edition. By WESTEL WOODBURY WILLOUGHBY. (New York: Baker, Voorhis and Company. 1929. Three volumes. Pp. lxxxiii, xvii, xvi, 2022.)

The appearance of the revised edition of Professor Willoughby's monumental treatise *On The Constitution* is an epoch-making event in the field of American constitutional law. The book originally appeared in 1910, the year which witnessed the publication of *Watson on the Constitution*, and Hall's little text on *Constitutional Law*, and has remained the most valuable treatise in the field. Two decades have seen much constitutional law made and remade, so that in settling himself to the task of revision the author faced an undertaking hardly less arduous than the preparation of the original work. This task he has performed in the most thoroughgoing manner. Many texts and treatises are revised by the process of changing sentences, adding paragraphs, and shovelling in citations to recent cases in footnotes or appendices. But Professor Willoughby has given us a genuine revision in the best sense of the word. The new work is about twice as large as the old. The original edition of two volumes, sixty-five chapters, and less than 1,400 pages has been replaced by three volumes with considerably larger pages, 105 chapters, and some 2,100 pages. More than twice as many cases are cited. Furthermore, the work of revision has been done by the author himself, which guarantees the accuracy, soundness of judgment, and richness of scholarship which the profession has learned to expect from him.

It is not surprising that a very considerable proportion of the new material has been devoted to the commerce clause and to the due process of law clause. The first edition treated due process of law in about twenty pages without specifically mentioning the police power, and disposed of equal protection of the laws in less than ten pages. We now have fifteen chapters, comprising about 275 pages. There is a substantial chapter devoted to freedom of speech, with an analysis of our various war-time abridgments of it, to replace the scant

two pages in which it was previously mentioned. There is a marked enlargement of the treatment of the organization, jurisdiction, and powers of the federal courts.

One phase of the thoroughgoing treatment of the federal commerce power deserves special comment, since it represents a contribution not attempted in the earlier work. In addition to a discussion of the constitutional law of the subject as embodied in the decisions of the Supreme Court, the author has given us a résumé of the statutory exercise of the powers of Congress. This is an attempt, as he puts it in his preface, to show "the manner in which the Federal Government has exercised, and is now exercising, the constitutional powers vested in it. The increase during recent years of Federal regulation has been so great that, without a knowledge of this phase of Federal growth, a very inadequate comprehension will be gained of American constitutional jurisprudence in its present stage of development." Thus we are given an invaluable survey of the federal legislative policy toward such problems as railroad regulation and trust control, with a most serviceable study of the organization and work of the Interstate Commerce Commission, the Federal Trade Commission, and other administrative bodies performing analogous functions. The constitutional law surrounding the commerce clause is presented, not merely in terms of court decisions, but in terms of legislative action and in the actual exercise of administrative power.

In discussing the scope and arrangement of this work it may be pertinent to point out to the readers of the *Review* that Professor Willoughby, whose interests have lain in the field of political science, has retained and elaborated those portions of his previous work which deal with constitutional problems of interest to students of government and public affairs, but with which the practising lawyer is likely to have only the most infrequent contact. This includes the various chapters dealing with the power of the President, the organization and procedure of Congress, impeachment, the treaty-making power, and the like.

There has been no discernible change in the method and general plan which the author developed twenty years ago for the presentation of his material. The underlying purpose has been to deal with constitutional law in terms of general principles, so far as there are any, rather than to present a mere digest of cases, or to embark upon detailed and technical discussions of particular adjudications. To this

end, the following method has been uniformly used. First, there is presented a brief and accurate statement of the holding of the Court in the leading cases bearing upon the problems under review. This is followed by fairly extensive and uniformly well-chosen excerpts from the opinion of the Court. When these cases have been thus summarized and the Court's general argument in support of its position has been presented in its own words, the author criticizes, synthesizes, and compares the doctrines enunciated, in an effort to bring out the essential principles of law and to evaluate them. These critical and analytical summaries are keenly and shrewdly done and constitute the most valuable portion of the work. If they are open to criticism at all, it is because they are too few in number and because we may well wish that they were more extensive in scope. The usefulness of this technique is enhanced by the satisfactory arrangement of topics and by the elaborate analytical table of contents and index which enable the reader to run down an elusive point with the minimum of effort. While the method used has perhaps made the book less useful to the practitioner of law than it might have been had it utilized to a greater extent the method of the digest or the law review, it certainly provides the lawyer with the broad background of principles upon which his more detailed quest for authorities and his more refined discrimination of particular cases and holdings must rest. It is the present reviewer's belief that by the use of the method he has employed Professor Willoughby has served the greatest convenience of the greatest number.

Every reader or user of *Willoughby on the Constitution* will probably find some occasion to lament that its author did not have more space to devote to this or that topic of special interest to himself. But he must at the same time recognize that a comprehensive treatise must maintain a reasonable balance both of space and emphasis, and there can be no doubt that Professor Willoughby has succeeded admirably in doing this. Also every reader will be likely to find some point or points upon which he either disagrees with the author's conclusions or would prefer to see them stated in some modified way. Such disagreements are not only inevitable, but they are useful in tending to produce the clarification of issues through the clash of opinion. The only adverse criticism which the present reviewer feels like urging, and it is a minor one, is directed against the bibliographical apparatus with which the work is equipped. This is considerably more

extensive than in the former edition, but is far from satisfactory. Books and monographs are cited with some thoroughness, and a certain amount of review material is also included. But this latter is not very systematically assembled, and many significant titles are omitted altogether. The inclusion of certain references leads one to wonder at the omission of certain others and to speculate as to the plan in accordance with which the selection was made. Perhaps this is merely another way of saying that we sadly need a thorough classified bibliography of constitutional law, that this was an opportunity to provide one, and that Professor Willoughby did not see fit to undertake such a colossal task. Such a suggestion has no bearing upon the fact that Professor Willoughby has made a contribution to the field of constitutional law the importance and value of which it would be difficult to exaggerate.

ROBERT E. CUSHMAN.

Cornell University.

On the Commonwealth, by Marcus Tullius Cicero. Translated with notes and an introduction. BY GEORGE HOLLAND SABINE and STANLEY BARNEY SMITH. (Columbus, Ohio: Ohio State University Press. 1929. Pp. ix, 276.)

American classical scholars in recent years have been doing work of the highest interest and value to political scientists. More and more attention is being given by classical scholarship today, especially in this country, to constitutional and legal subjects, and the publications of Abbot, Botsford, Ferguson, Frank, Boak, Bonner, A. C. Johnson, Calhoun, Goodenough, and others have made available a rich mine of materials for students of politics who are interested in the growth, transformation, and workings of governmental and legal institutions. The varied political experience of the Græco-Roman world is at last beginning to be laid bare with sufficient thoroughness and detail to supply a sound basis for analysis, and for more adequate and considered comparison with modern developments, than has heretofore been possible. It is time that this body of material should be more widely exploited.

The present translation of Cicero's *Republic*, accompanied by an ample and scholarly introduction and notes, is of special interest. It is a happy instance of collaboration between Professor Smith, who is primarily a classical scholar, and Professor Sabine, whose well-

known work on the border-line between philosophy and political thought has won him distinguished standing in the guild of political scientists. Together they have produced a book of sound scholarship which should find readers among all students of American government who view their task as something other than purely descriptive reporting.

The significance of Cicero's *Republic* for the study of American institutions rests in the fact that it is the classical fountain-head of that special blending of the two conceptions of "mixed government" and "natural" or "higher" law which had to await the American Constitution to find its full embodiment in practice. The *Republic* disappeared in the earlier Middle Ages, and remained a lost work until resurrected by Cardinal Mai from the solitary Vatican palimpsest in 1822; so that it had no direct influence on political thought during the formative era of the sixteenth and seventeenth centuries. The ideas which it incorporates had, however, passed long before into the stream of political commonplaces. The doctrine of mixed government was revived with special force at the commencement of the sixteenth century through Machiavelli's borrowings from Polybius; and in the eighteenth century John Adams made himself its hierophant and protagonist. This doctrine of balance—balance between the three primary forms of government, balance between social classes, and balance between governmental organs—tinctures all the thinking of our American constitutional fathers, and from them has passed into the current of conventional ideas which are repeated as axiomatic truths in elementary text-books and high-school orations.

The *Republic* more clearly than any other document lays bare what was in the minds of the classical thinkers who invented the doctrine of mixed government. The chief malady of the ancient city-state, as of its mediæval successors, was frequent change in the form of government, accomplished by violent revolution. These violent changes were seen to be connected with the fact that governments were often guilty of excess, and that this excess usually took the form of carrying too far the principle which the government embodied. This authority, which was the principle of the monarchical form of government, was carried to the point of tyranny; liberty, which was the principle of democratic government, tended to degenerate into mob-rule and anarchy. Plato originated the idea that this tendency of a "simple" form of government to excessive application of its "principle" could

be corrected by merely coupling it with its opposite. Thus by combining monarchy with democracy, the liberty which was the principle of the latter would restrain the authority which was the principle of the former, and so the tendency toward either tyranny or anarchy would be effectually checked.

This neat and plausible paper scheme, hinted by Plato and touched into greater detail (with an important change of direction) by Aristotle, was elaborated by Polybius and illustrated by its supposed embodiment in the actual constitution of the Roman republic. Polybius's picture of the Roman republic was to the age of Cicero what Montesquieu's picture of the English constitution was to the late eighteenth century; and Cicero, with that large eclectic habit of borrowing which was his forte, took it and embroidered it into the texture of the *Republic*. "The highest achievement of political wisdom," he tells us, "is to understand the cycle through which governments pass, that we may know the specific tendency of each, and thus be able to retard the movement or forestall it" (i. 24. 68). "Thus the simple forms of government degenerate easily into the corresponding perverted forms which are opposed to their respective virtues, tyranny arising from monarchy, oligarchy from aristocracy, and mob-rule from democracy; and, whereas the types themselves are often exchanged for a new type, this instability can hardly occur in the mixed and judiciously blended form of government except through great faults in its leaders" (i. 25. 69).

It is one of the ironies of the political thinking of practical statesmen that Cicero could have seen in a mixed constitution a guarantee against revolution barely a year before Caesar crossed the Rubicon. It speaks better for the logical subtlety of subsequent political philosophers than for their practical sagacity that they have continued to imagine that opposing forces could be harnessed together to supply effective government simply by virtue of their opposition, without the aid of some power behind the scenes. It remained for the late Henry Jones Ford to tell us what the Roman Senate at one epoch and Pompey and Caesar at another, what the Medici at Florence and the boss of any American city, could have disclosed as to the motive power and guiding influence in a checked and balanced government. And finally it seems odd that the hypothesis of "simple" forms of government, on which the whole logical argument for mixed government rests, has been able to stand so long in the face of the obvious fact that every

civilized government, no matter how organized, is bound to include the three elements of officials with authority, a more or less permanent group of advisers, and channels for the expression of popular will. The real question is always whether these elements are to be organized for the purpose of coöperating or of opposing one another; and whether their opposition is to be heightened by making it reflect the antagonism of warring interests in the community.

The translators' introduction to the present volume gives distinctly the best and most thorough survey in English of the course of political philosophy in the period between Aristotle and Cicero—that period in which, as Carlyle has pointed out, there occurred the most significant shift of interests and change of direction in the whole history of the subject. This shift of interest, which is represented chiefly by the new emphasis laid on "natural law," is adequately referred by Sabine and Smith to the rise of empires and the submergence of city-states; it is worthy of comment that the doctrine of mixed government, which had been evolved specifically from the experience of the city-state, was carried over into the new epoch without any apparent consciousness that the problem of organizing the government of empire might include different factors from that of organizing the government of a city. The standing source of wonder about the political theory of eminently practical people like the Romans is that it bears such slight relation to the practical problems with which they are confronted, and rests so largely on conventional abstractions and idealized versions of the past.

It is natural to compare the Sabine and Smith translation with the recent version of Dr. Keyes of Columbia University (Loeb Classical Library, 1928). A cursory examination indicates that Dr. Keyes, in his desire to be literal, has not always succeeded in producing as fluent and idiomatic English as the present translators. Occasionally it has seemed to the reviewer that this greater literalness has better preserved the sense of the original. On the other hand, the present translators have constantly kept in view legal and philosophical implications which Dr. Keyes seems sometimes to have missed, as in the first passage from Nonius in iii. 7. But translation is so largely a matter, not merely of insight, but of taste, that no man is ever really content save with his own, and sometimes not with that; so that it is sufficient to say that Professors Sabine and Smith deserve gratitude

for a version which political scientists can use with safety and comfort.

JOHN DICKINSON.

University of Pennsylvania Law School.

The Dominions and Diplomacy. BY A. GORDON DEWEY. (New York: Longmans, Green & Co. 1929. Two volumes. Pp. i-v, 375; vi-xi, 397.)

A Short History of British Expansion. BY JAMES A. WILLIAMSON. (New York: Macmillan Co. 1930. Two volumes. Pp. xxiii, 470; xvii, 315.

The Apologia of an Imperialist: Forty Years of Empire Policy. BY W. A. S. HEWINS. (London: Constable & Co. 1930. Pp. xxiv, 357.)

The anomalous and strange in government possesses irresistible attractiveness. Where in the political manifestations of mankind can stranger, more significant, paradox be found than in the present status of the British Empire? Thus, following hard upon works by Keith, Hughes, and others come these three studies, in which there is little duplication.

Dewey's work is the most important, in the sense that it brings together and interprets more new and significant material. The title is a little unfortunate, for the book covers (albeit largely from the Canadian angle) the entire political development of "dominion status" and is by no means confined to the "external relations" of the various constituent parts of the British Commonwealth of Nations. Thus imperial federation and imperial organization receive attention equal to that given to commercial treaties, defense, post-war settlements, and the League of Nations.

The advance of Dewey over Keith's monumental works lies in his approach—realistic rather than legal. Keith studies laws and precedents; Dewey pins his faith to trends and movements in public opinion. For example, Laurier and his school of thought as the motivating force in Canadian nationalism are seen as the provincial impetus back of many legal precedents.

"Although these problems had for a generation been the matters of controversy within an interested circle, they now assumed the front stage with every appearance of novelty. . . . But the ground upon which settlements were to be based had already been prepared. It

is only by delving back into the earlier history of the question that one comes to realize how little there has been that is really new in post-war discussions of Imperial foreign relationships; how much has been merely . . . application . . . of principles . . . already in operation as regards other phases of the Britannic Question." This thesis is developed so effectively as apparently to dispose of the myth that the transition from colony to dominion was in the nature of concessions reluctantly extended by the mother country under pressure—at least as regards Canada.

One of the most useful features of the book to the general reader is its clear analysis of the various schools of thought—colonialist, nationalist, imperialist, coöperationist, continentalist—influential in Empire evolution. To the author, the hope for the future lies with the coöperationists. Yet, reluctantly, the admission is made that, after all, the Empire may break up on any of a number of issues of foreign policy—for nationalism rather than imperialism seems apparently to have won a permanent ascendancy in the various units. Coöperation compatible with nationalism may not be sufficiently strong to lead to any major sacrifice of individual interests, for the past has seen the average dominion preoccupied with internal affairs to the virtual exclusion of empire or world politics.

The book proceeds at a leisurely pace. Curiously, the introductions to each of the several topics appear much better done than the concluding paragraphs. The author frankly admits as a deliberate major limitation of the work the absence of any analysis of economic as distinct from political factors. Furthermore, while he is fully justified in emphasizing the part played by Canada as regards pre-war days in the movement away from colonialism, it is doubtful whether his claim is quite so justified in recent years. Probably as great or greater credit belongs to the Irish Free State, or even the Union of South Africa, in the case of post-war changes such as the concept of the office of governor-general, the rôle of the Privy Council in judicial appeals, independent action in world councils, sovereignty in mandated territory, or even the right of secession.

The new edition of Williamson's book represents an extensive revision, and brings his earlier work down to the Imperial Conference of 1926. It is a political and military history of the old type, with negligible attention to analysis of economic and social forces. It attempts to some extent an encyclopædic treatment of the several

colonies and dominions, and for this very reason suffers from a certain want of perspective. Instances such as the ready acceptance of the "politician" legend concerning Disraeli betray an uncritical attitude toward historical material, while the truly prophetic and statesman-like policy of Disraeli's colonial policy is largely missed. None the less, the volume is of considerable interest, and the story of India in particular makes the book worth owning for those interested in historic backgrounds.

The memoirs of Professor Hewins are faithful to his opening sentence: "The key to the political developments of the last forty years is to be found in economic policy." As such, they may usefully be taken in conjunction with the political aspect of Commonwealth development stressed by Dewey. Hewins, perhaps best known in America as co-founder and first director of the London School of Economics, has evidently played an influential part in moulding the views and policy of such imperialists as Chamberlain and Balfour. The importance of his book will depend largely upon the extent to which his panacea of imperial preference actually succeeds in obtaining general acceptance. If, as is possible, the recent stirrings in this direction in England mature, then this record of so much of the earlier inner history of the movement will become genuinely important. If not, it may still be of interest in its incidental revelations of the inner workings of the British parliamentary system.

How then fares the Empire? No one can read far into recent developments without appreciating how fast certain tendencies would seem to set pace in the direction of a nebulous confederacy, a mere personal union, analogous to that between Denmark and Iceland, or the former unions of Sweden and Norway, likely to break up or to lose one or more of its parts at the first really important crisis of diverging interests. Yet this surface view may not be the last word. Cementation for mutual defense may be passing as a large factor; even mutual economic advantages may prove illusory; certainly mere legal bonds can no longer be depended upon. There remain sentiment and mutual devotion to a cause. The supreme ideal of the Empire today is that it should be an association of equals with a common loyalty, coupling this with the progressive development of backward peoples to a similar equal status. What is this "common loyalty?" It is with these nations what the Greek ideal has been to the individual. Just as the Greeks believed, not only in the full and free development of

each individual, but also that the highest form of this development was to be found in his associations actively within his city, so likewise the neo-imperialist of the British Empire believes in the full and free development of its constituent parts, with each part finding the highest expression of this development in the associative activity with other parts of the Empire. But this is an ideal for a confederation of humanity, and perhaps, after all, it is a race between the disintegration of the Empire and the common fusion of its states in a developed League of Nations.

ERNEST S. GRIFFITH.

Syracuse University.

Lord Durham. BY CHESTER W. NEW. (Oxford: The Clarendon Press. 1929. Pp. xxiv, 612.)

This is in all respects the best biography of Durham. It is less discursive than Stuart J. Reid's two-volume work of twenty-two years ago, besides being written with more discrimination and incorporating much new material. Dr. New tells us that his text has been written for that phantom fellow "the general reader," while the serious student of history can regale himself on the footnotes if he so desires. That would seem at first glance to be a rather jug-handled apportionment; but the reader of the book, whatever his affiliation, will soon find that there has been no sacrifice of sound scholarship to alluring rhetoric, no straining after epigrams at the expense of sober facts, no hero-worshipping and on the other hand no glossing of human frailties and serious flaws in character or conduct. Dr. New's conception of a biographer's task has been to set the stage and then to let the principal figure speak and act his own part without any posthumous promptings. Hence he has described fully, and to some extent interpreted; but he has not sought to argue, defend, or justify. Durham was a good statesman with a bad temper. He had sound ideas and used unsound methods. He was at times more sensitive than sensible. Combining vision with vanity, he was in trouble and out of it with almost clock-like precision, so that few historical personages make heavier demands upon a biographer's neutrality than does this stormy petrel of the tremulous thirties who marred a career to make a nation.

The high points in Durham's life-story are known to all who have followed, even casually, the evolution of colonial autonomy. He is the outstanding figure in that movement. His renowned *Report* is the

basis of the political philosophy (if such it can be called) on which the British Commonwealth of Nations is standing today. But even students of colonial history have not always appreciated the fact that Durham rendered political services of great and enduring value before he went on his mission to Canada. Dr. New devotes three hundred pages, more than half his book, to this phase of the great pro-consul's career. Durham was associated during these years with reformers of all varieties, and his liberalism was of the militant type. In the bloodless revolution of 1832 he had a part of greater importance than historians of the reform era have apportioned to him. The author of this biography has endeavored, and with success, to set that injustice right.

As for the hectic mission to Canada, there is nothing very startling brought out in Dr. New's book. The story, in its essentials, is as it has heretofore been told. There is some new material drawn from the Lambton manuscripts and a good many fresh suggestions as to motives or objectives. The temper in which the quick-moving events of 1837-38 are described is conspicuously fair. Durham emerges with a rather battered halo, but no one who reads this book can fail in friendly feeling toward one who, with all his spells of pettiness and impatience, embodied nevertheless a high measure of courage, liberalism, and devotion to ideals which the world has now exalted as its own.

Dr. New has done an excellent piece of work, and the fraternity of Canadian historical scholars may well set him down as one who is headed toward the top. The mechanism of the book, moreover, reflects the highest credit on the Clarendon Press. In typography and binding it is all that a good book ought to be. Incidentally the volume includes an appendix with a discussion of the mooted question whether Durham wrote all of the *Report* himself, and there is also a comprehensive bibliography of both manuscript and printed materials.

WILLIAM B. MUNRO.

Pasadena, California.

Report of the Royal Commission on the Constitution. (Canberra: H. J. Green, Government Printer. 1929. Pp. xxiii, 371.)

The Royal Commission Report on the Constitution of the Commonwealth of Australia is an important government document. It embodies results of a systematic attempt on the part of a non-political commission of seven members to inquire into the powers of the Com-

monwealth under the constitution, and also the workings of the constitution since federation.

The primary aim of the commission was to investigate ten main subjects¹ to determine their effectiveness from a constitutional point of view, and to recommend alteration of any unsatisfactory provisions. Much of the evidence obtained through examination of witnesses (Commonwealth and state officials as well as other informed citizens) is of a substantial nature, having been carefully prepared by experts in many instances.² In writing its report, the commission has gone far beyond the several subjects suggested for study, and has presented a concise commentary on the constitution of the Australian Commonwealth throughout its three decades of existence.

General recommendations favor retention of the federal form of government [which form possesses elements and institutions common to the constitutions of Canada, Australia, and the United States (p. 228)]. Specific recommendations on some thirty subjects are varied in nature. About half favor an extension in the exercise of Commonwealth authority (especially legislative), whereas the remainder express preference for present constitutional provisions or their explicit deletion. In the latter group appears a recommendation on the extremely controversial subject of industrial matters. Members of the commission declare that "industrial legislation should be regarded as a function of the states" (p. 248), and that Commonwealth control over conciliation and arbitration should be withdrawn; for "the parliament which deals with industrial arbitration and conciliation should be the parliament which has control of industrial matters generally" (p. 248). It would seem doubtful that execution of this recommendation offers an ultimate solution of existing deficiencies in the unique Australian system for dealing with industrial disputes.

Recommendations relative to taxation (pp. 259-260) are noteworthy, for if effected they would endow the Commonwealth parliament with legislative authority to deal with "taxation by two or more states of the same property so as to regulate or prevent double taxation;" to limit state tax discrimination against persons domiciled in other

¹ Aviation, company law, health, industrial powers, interstate commission, judicial power, navigation law, new states, taxation, trade and commerce (p. 1).

² The Minutes of Evidence contains testimony of 339 witnesses. It is printed in five parts (pp. 1736) with an alphabetical list of witnesses and an index of subject matter (Part 5, pp. 1723-1736).

states; and to allow states to levy excise taxes on goods "which are not for the time being the subject of customs and duties." The latter feature aims to bolster state finances, and suggests at the same time that state-commonwealth financial relations are not finally settled.

But if the commission had failed to make a single recommendation, it is submitted that the *Report* would still be of value. In fact, the early pages are a real contribution to the story of Australian constitutional development. Part I is essentially a concise analysis of the relationships between states and Commonwealth with respect to more important governmental functions. Among those considered are: division of governmental power; legislative powers of the Commonwealth and the states; judiciary; external affairs; defense; taxation; industrial powers; health; coöperation between the states and the commonwealth; and financial relations.

With this array of material, the commission measurably brings up to date constitutional and extra-constitutional developments in "the Australian experiment with federalism," and offers an excellent point of departure for a thorough study of constitutional and administrative problems peculiar to the Australian federal system. The subject merits further research.

KENNETH C. WARNER.

Washington, D. C.

How Britain is Governed: A Critical Analysis of Modern Developments in the British System of Government. BY RAMSAY MUIR. (New York: Richard R. Smith Inc. 1930. Pp. xii, 333.)

From Chartism to Labourism: Historical Sketches of the English Working Class Movement. BY TH. ROTHSTEIN. (New York: International Publishers. 1930. Pp. vii, 365.)

Mr. Muir's book is not a description of the government of Great Britain; it is a discussion of contemporary defects in the working of the English parliamentary system. As such, it is invaluable. That is to say, the person who approaches the study of the English government through the pages of Lowell, Masterman, Munro, Ogg, or any other descriptive survey, needs this book of Muir's to call his attention to important aspects of the way in which that government works.

Muir starts by explaining how the civil servants have tended to become not merely dominant in their departments but over-influential

in legislation. He shows how the recent emphasis on parliamentarism has made the House of Commons helpless in the face of the executive and the overworked cabinet impotent to supervise the administration. He analyzes the electoral system and gives strong arguments for the retention of three parties and the introduction of proportional representation. He makes a number of valuable, if not startling, suggestions for governmental reorganization.

It is easy for the reader to see that Muir's book results from the author's experiences as an active leader of the Liberal Party (which he now holds high place), and that the Liberal Party has been particularly benefited if his suggestions were adopted. In both his cheerless analysis of existing conditions and his suggestions for improvement have a validity much greater than that of party propaganda. Many American students of the British government have wondered whether that government is so admirable as it sounds. Whether or not it is working as well as Muir thinks, we can hope that its development in the immediate future will be consistent with Mr. Muir's proposals.

Mr. Rothstein's book is confessed propaganda for left-wing Socialism. The author, a Russian now working for his home government in London, was for many years a resident of England and a journalist. In this book he traces the history of English working class agitation from the beginnings of Chartism down to the war of 1914. His avowed aim is to show the futility of "bourgeois radicalism" (in which he includes all non-revolutionary socialism) and the necessity of proletarian class-consciousness." His readers must not be surprised that the book is well-organized, well-planned, makes very good reading, and is usefully informative.

E.

Lafayette College.

Capital and Labor Under Fascism. BY CARMEN HAIDER
Columbia University Press. 1930. Pp. 296.)

Labor and Capital in National Politics. BY HARWOOD
CHILDS. (Columbus: The Ohio State University Press.
1928.)

Taken together, these books point to a question of interest to both the philosopher and to the politician. What is the proper

between forces economic and governmental? The place of the group in the state is the basic problem in both studies. Italy has faced the issue. The Fascists have erected a representative system upon a foundation of syndicates. Since only Fascist organizations are recognized, however, the result is the practical synthesis of party and government. The democratic state, still clinging to the individualistic strictures of nineteenth-century liberalism, has ignored the group except for purposes of official fulmination or private convenience. Associations in this country have been forced to hit upon some *modus operandi* which will achieve their ends and not unduly irritate the authorities. Two extreme positions are thus presented: on the one hand, an organic state wherein groups are integers and individuals nothing; on the other hand, a state that in theory neglects the interests binding men together and looks directly to the citizen and voter.

The book under review, while largely descriptive and mainly pre-occupied with existing conditions, suggests some implications of importance to theories of the state. To the wise saws of abstruse hypotheses, modern instances of what is transpiring may be added from these volumes. Both elements are of value to the theorist. This is not a recommendation of pragmatic criteria: the specious ignoring of values through a rationalization of the status quo for convenience's sake is futile. Declaring an arrangement workable, and therefore right, implies the approval, even if unwittingly, of a norm of practicality. Certainly one should proceed with caution in making any such test of the theories of fascism; for dictatorship, causing a distortion between profession and action, introduces a stubborn imponderable—anti-intellectual, arbitrary, and opportunistic.

Since under the Fascists, the power of the state transcends all else, the government reserves to itself the right to intervene alike in labor disputes and in the direct management of commercial and industrial enterprise. In practice, the representative system based upon Fascist syndicates of employers and of employees functioning through national corporations amounts to little. "It is true that the conception of the corporate state calls for an economic chamber, and that the Fascists declare that they are working towards such a system, but at present Parliament is political, even according to the Fascists, and furthermore the idea of the corporate state, as it is advanced by the Fascists, does not take account of the existence and predominating position of the Grand Council" (p. 266). In fact, the Italian Parliament, syndicate

structure *et al*, has so little power that "no inconvenience would result from its elimination."

Dr. Haider has selected a very revealing aspect of Fascist activity and has produced a valuable study, clearly, carefully, and thoughtfully presented. The subject is an excellent counterpoise to that of Professor Childs, who has produced an equally able piece of work. Both books demonstrate the fact that the processes of government are not confined to the institutions labeled political but also manifest their power through various agencies of social control.

In this country, as Mr. Childs points out, "economic groups are playing an important part in the current problem of adjusting a more or less rigid constitutional structure to a kaleidoscopic economic and social environment." The author selects the Chamber of Commerce of the United States and the American Federation of Labor for detailed consideration, in order to demonstrate the political aspects involved.

After a detailed analysis of these organizations and their part in national politics, Mr. Childs comes to the conclusion that "in fact it is the group agency which is making democracy work; for without it the cumbersome processes of democratic procedure would break down under the stress of rapidly changing problems and the insistence of numberless individual interests. The central government would lose touch with the people, and amid misunderstandings and turmoil futile attempts would be made to reconcile governmental regulation with individual initiative" (p. 248). Such an estimate seems somewhat to exaggerate the importance of these organizations, particularly when one considers the internal difficulties which the author depicts. The A. F. of L. and the Chamber of Commerce find it necessary to exert constant and active efforts to recruit and hold their supporters. Continuous endeavor is required if the membership is to be kept interested and group-conscious. Moreover, examination reveals the essential dependence of the organizations upon the state for the realization of their respective aims. There is little encouragement for the pluralists here. In neither Italy nor the United States do our authors find the group surpassing the state in the allegiance of the individual. Still the need is suggested in discovering for organized groups a definite sphere within which their great potentialities may be better realized. The Fascists, while granting the form, deny them the substance. In this country, official disregard by the government is linked with in-

formal connivance and coöperation by legislators and administrative officers. Both situations leave much to be desired.

E. PENDLETON HERRING.

Harvard University.

Town Government in Massachusetts: 1620-1930. BY JOHN FAIRFIELD SLY. (Cambridge: Harvard University Press. 1930. Pp. viii, 244.)

The author has made a distinct and valuable contribution in the field of local government and institutional development. The Massachusetts town—its origin and early history—has been so thoroughly covered by the scholarly pens of such historians as Jared Sparks, Edward A. Freeman, Herbert B. Adams, and Edward Channing that a less courageous author than Dr. Sly might have been deterred from entering the field. The author, however, has not produced just another history of the Massachusetts town, even though the first five chapters, comprising more than half of the book, are devoted mainly to an historical survey of the government of Massachusetts towns. The point of view of the author is that of a political scientist making use of the historical survey to place in its proper perspective the government of the present-day town, and to depict “the steady and continuous unfolding of a local institutional pattern.” The second half of the book (Chaps. VI-IX) is occupied with the “description and analysis of those present-day adjustments through which perplexed communities aim to regulate the rapid and often extreme transitions that are a phenomenon of modern life” (p. vii). This realistic approach, the author suggests, “tends to minimize the strictly historical and philosophic, and places main reliance on, first, description—the delineation of legal and structural features—and second, a pragmatic analysis—the justification of existing practices by their consequences, and their improvement through experience” (p. 226). The author has rather skilfully combined historical perspective, philosophical insight, and pragmatic analysis in presenting the Massachusetts town as a “going concern.”

Chapters I and II trace the beginning and development of the town meeting and other agencies of town government through the town records of the seventeenth century. Chapter III sets forth a concise and all too brief criticism of the “medley of theories” relating to the origin of the Massachusetts town. After presenting the “Germanic theory,” the “parish theory,” the “primordial cells theory,” the

"Massachusetts charter theory," etc., the author seems to agree with Professor Edward Channing "that the towns were based on no models whatever, but grew by the exercise of English common sense, combined with the circumstances of the place" (p. 225).

Chapter IV traces the development of the town to the end of the colonial period, while Chapter V, "The Old Town and the New Social Order," marks rather a transition from the historical to the pragmatic approach. In the latter chapter the author barely touches upon the interesting field of relations between the state agencies and the towns.

Chapter VI is primarily descriptive, setting forth in detail the organization and operation of the "town meeting government," and its defects amid the complexities confronting large urban populations. The author concludes that "whatever may be the advantages of direct democracy in smaller communities, larger places are finding the old town meeting impossible" (p. 165).

Chapters VII and VIII present modifications and reforms tending to eliminate some of the faults of the original town-meeting government without relinquishing an institution so ancient and so intimately connected with the customs and aspirations of the people. The limited or representative town meeting, first instituted in Brookline in 1915, and later adopted by at least fourteen other towns, is devised to retain the substance of local democracy and to substitute a moderately sized deliberative assembly for the miscellaneous mass which crowds into a town hall. The author reports that the experiment, on the whole, has not been a failure, although it has failed to shorten the "long ballot," has tended to strengthen political party organizations, and "does leave the administrative problems of the community untouched" (p. 189).

Chapter VIII, "Improving the Administration," lays stress on the experiment with the town-manager system, and the significance of the finance committee. The author shows that "it is the town meeting that makes the manager plan somewhat of an anomaly in political practice." Nevertheless, he concludes that "on the whole, the town manager has justified the hopes of his proponents and has not only brought an increased precision and economy to the 'pick and shovel' activities of his town, but a valuable directive force in the wider fields of community planning" (p. 204).

The last chapter, "Past and Present," sums up the author's political philosophy in its relation to the Massachusetts town. He explains that it has been his purpose "to show the possibilities for institutional re-

search that lie hidden in these materials [town records], to analyze the motives and methods in which local communities of the commonwealth are grounded, and to indicate the pressure that increased numbers and administrative complexities have brought to the simple machinery of another day."

The author not only has contributed an interesting volume on an interesting subject in political science, but has pointed, in a stimulating manner, the way to further research in local institutional development.

ORREN C. HORMELL.

Bowdoin College.

The Government and Administration of the District of Columbia: Suggestions for Change. BY LAURENCE F. SCHMECKEBIER and W. F. WILLOUGHBY. (Washington: The Brookings Institution. 1929. Pp. xi, 187.)

This is a supplement to a study on the government of the District of Columbia, published by the Institute of Government Research in 1928, which presented a somewhat detailed description of the complicated machinery for the management of local public affairs in the national capital. This descriptive study indicated the need for some simplification and improvements in the system; and the present work presents a critical analysis and proposes a series of changes for bettering the situation.

Changes proposed deal, on the one hand, with a readjustment of the relations between the district government and the national government, and, on the other hand, with a reorganization of the machinery of district government. Those of the first group involve the transfer to the district government of a series of activities now performed by general agencies of the national government, including, among others, police and traffic control, prosecution of local offenses, and the administration of parks, water supply, and the Central Market. Certain activities, however, are to continue in the hands of national agencies, such as the civil service and other matters, some to be conducted on a contractual basis. Readjustments are proposed in relation to the budget system, the receipt, disbursement, and custody of funds, and financial control.

Proposals for the reorganization of the district government include the creation of a new legislative council, a manager in control of administrative functions, and a departmental regrouping of administrative services. The legislative council is to consist of five members ap-

pointed by the President and Senate, with the chairman of the Senate and House committees on the District of Columbia. Special attention is given to plans for departments of law enforcement, finance, and education, the latter to include an advisory educational and library council, and for a unitary district court distinct from the United States district court. Other departments proposed are for public health and safety, public works, parks and property, and public welfare. One chapter deals with the improvement of the personnel system, and another with the reform of taxation.

These proposed changes are in line with the general tendencies of recent years in state and city reorganization, and should bring about greater efficiency in the conduct of public business and reduce the friction of the existing cumbersome arrangements. No attempt is made, however, to discuss proposals for granting voting rights to the inhabitants of the district or the contributions of the national government toward local expenditures.

JOHN A. FAIRLIE.

University of Illinois.

City Planning. 2nd edition. Edited By JOHN NOLEN. (New York: D. Appleton and Company. 1929. Pp. xx, 513.)

Our Cities Today and Tomorrow. By THEODORA KIMBALL HUBBARD and HENRY V. HUBBARD. (Harvard University Press. 1929. Pp. 389.)

More and more people flock to the cities. Our cities grow and extend in height and in complexity, but rapid growth has brought with it a full quota of growing pains. To ease these pains, a new art and science of planning has been developed. When the pains of growth in a raw, new country were first felt by the general public, the outstanding trouble seemed to be lack of beauty, magnificence, and space in our cities. A demand for parks, civic centers, and the "city beautiful" resulted, with architects and landscape architects taking the leading part in suggesting improvements and organization. Thus the public came to realize the existence of an art of city building.

But there were other growing pains—traffic and transit, railroads, and industry—that required a scientific as well as an aesthetic understanding if they were to be overcome. Engineers, statisticians, lawyers, real estate operators, were involved. They turned to past experience

for help, and American cities were urged to follow the example of this or that great city of Europe. Later, with more analysis of the problems involved, new methods were found, and the process came to be known as the science of city planning.

The two books under review mark further steps in the development of both this art and science. The new edition of *City Planning* contains additional chapters on the more recent development of control over use of private land, on legislation, and on the extension of planning principles beyond the confines of any one political jurisdiction. The book is a collection of authoritative statements as to what the problems and growing pains are and how we can solve or obviate them. As in all cases of new editions, the reviewer wonders why more revisions are not made when the opportunity offers. Considering, for example, the vast amount of material published on this subject during the last fourteen years, one cannot help asking why the bibliographies accompanying each chapter remain as they were in 1916.

While the new edition of *City Planning* shows us what the problems and growing pains are, *Our Cities Today and Tomorrow* is a survey of how American cities are now meeting these problems. We no longer need complain that Mr. Nolen has not further modernized his book, because the Hubbards have brought together and concisely presented the most up-to-date information. The book reviews the present state of progress in the field, the problems which different cities have found most pressing, and the success or failure of the several methods tried by cities to meet these problems. The reader is assumed to have a general knowledge of the background of the field and to agree with the writers that the general purpose and methods of city planning need no argument to support them. In some chapters of the book there seems to be a tendency to assume that action is synonymous with progress.

Those interested in the organization of the community to cope with large, artistic, or scientific problems through use of experts will find in *Our Cities Today and Tomorrow* grounds for encouragement. The leaders of trade and civic organizations who want to help, but do not know where to take hold, will find how others have succeeded. The technician will find new tools and new supporting data for ideas he thought were all his own. But most of all, the book points out some of the weak places in the armor of the city planner. The Achilles heel of many a theory is exposed so that we may know where more research

is needed. With research already organized and started in many universities, and with a new Graduate School of City Planning just established at Harvard, we can confidently look forward to the further advance of the art and science of city planning.

CHARLES E. ELIOT, 2ND.

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The Recall of Public Officers: A Study of the Operation of the Recall in California. BY FREDERICK L. BIRD and FRANCES M. RYAN. (New York: The Macmillan Co. 1930. Pp. x, 403.)

Scholars are ever examining and attempting to evaluate contemporary social institutions, realizing, however, that final answers to the questions involved in any study cannot be found. Yet the studies are worth the effort, for light may thus be thrown on particular institutions, not only to indicate the more obvious conditions and needs, but to present as well a view of the entire social fabric. This is particularly true of the study of the recall in California made by Frederick L. Bird and Frances M. Ryan. The authors set out to examine one thing, the working of the recall for the twenty-five years of its use in the state of its origin. This developed into an exhaustive case study, the investigators searching for more than statistics and procedure, working to discover in addition "something of the underlying causes of recall movements, and to ascertain the way in which electorates respond to political emergencies evoked by recall campaigns" (p. vii). For the achievement of this objective they carried on an extensive personal research, examining pertinent documents, court records, and newspapers; interviewing innumerable public officials, proponents and opponents of recalls, prominent citizens in towns that had experienced recall campaigns, and others. As well, they prepared and mailed questionnaires to practically every political unit of the state. The result of this research is given us in their recently published findings on some two hundred cases of attempted recalls. But the result of this research is much more, for from this study we are given an intimate picture of the functioning of social institutions—the complex of forces that are constantly at work shaping this thing we call government.

The most significant part of the work is found in Chapters IV-VIII inclusive, covering 220 pages. In this portion of the study we are presented the cases, taken from 279 cities and towns, 58 counties, and

numerous special districts. This is preceded by chapters introductory in character, dealing first with the general aspects of recall, then its adoption in California, and finally the law governing it. Following the case study proper comes a supplementary chapter that deals with the attitude of the courts in California toward recall, material that might well have been included in the preceding chapters. The work concludes with an admirable summary, a bibliography, and an appendix containing documents of special interest.

The operation of the recall has not produced "a democratic Utopia . . . , neither has it led to the predicted political demoralization and chaos" (p. 342). Although it is in an early stage of development, it "has revealed great potentialities for civic betterment. . . . The disquieting problems brought to light in the operation of the recall are mainly the general problems related to the functioning of all democratic government" (p. 362). It has been used with great moderation, being applied mostly to municipal officials. The fact that but three judicial officials above the rank of justice of the peace have been removed from office by recall, and that in each instance there was ample justification, makes the dire predictions of many eminent American jurists sound, on a re-reading of them, a bit foolish.

The recall has been most frequently exercised in order to remove "misrepresentative" officials, and the elections have been accompanied by a colorful spontaneity and popular enthusiasm almost unique today. "The advantages of the recall which are perhaps the most constructive and significant are too intangible for more than general comment and appraisal. It has permitted the lengthening of terms of office without the risk of the establishment of official bureaucracies. . . . It has established the principle of responsibility and responsiveness, with a value limited only by the capacity of the public to understand it and benefit thereby. Finally, it serves a useful purpose in helping maintain public interest and confidence" (p. 353).

CHARLES AIKIN.

University of California.

Das Reich als Republik, 1918-1928. BY AUGUST WINNIG. (Stuttgart and Berlin: Gotta. 1929. Pp. ix, 361.)

Das Reich als Republik is not, as might be supposed from its title, a description of the first ten years of Germany's experiences with the Weimar constitution. It is rather an exposition of the author's social

philosophy, for which these experiences serve merely as illustrative material.

The discussion opens with the somewhat sententious statement: "Blood and earth are the destiny of peoples." Therefore, says Dr. Winnig, it is false to say of those who belong to another nation that they are men like ourselves. We cannot successfully copy other peoples except in superficial matters. "We can imitate their jazz-music and their boxing; but we cannot imitate their state." Neither the English, the French, the Italian, nor the Russian state can serve as a model for the German.

Although the older Germany did not have the republican idea, there was in the cities directly under the Reich a certain amount of republican reality. In the time of the Kaiser the important problem (so much in the background that it was scarcely seen, but rather felt by those of fine sensibilities) was: What system of state policy is best for the condition of the laboring classes? This is much more important than the question, Monarchy or Republic?

The Constitutional Assembly did not fairly face this question. It did not desire a socialistic state; it desired a democratic republic with as much provision for the social welfare as possible. "Socialization" was to the majority of its members a dangerous catchword, involving impossible demands. The National Assembly was a poor imitation of the Reichstag, with the same forms and faces, and the same ideas limited by partisan loyalties; so that it was obviously not an assembly of the nation, but an assembly of partisans. Finally, after many vicissitudes, the state survived under the Weimar constitution as the will of unintelligent mediocrity. No solution of the German question was found, either toward the right or toward the left. The problem was difficult because it meant establishing the control of the state in a period whose spirit struggled against control, and reorganizing as a political power a people who had become strongly influenced by the political institutions of hostile states. If a solution is found at all, it will be found in the future.

Germany has lost the spiritual leadership of the Western world. The life-forms of civilization are not shaped by her, but received from outside. Any German not born into them feels that they are foreign and bears within himself an opposition to them. There is thus in Germany an estrangement between the state and the nation. This situation can be saved only by facing the truly important questions—not the

trivial and false one, Republic or Monarchy, but rather, independence or fresh entanglements. Opportunism or principle? Rights or duties? The present republic stands for peace, freedom, and comfort; the way of the new Germany will mean struggle, obedience, and sacrifice. The former means sickness, impotence, and ruin; the latter is the resurrection of the Reich.

Leadership among the Western nations has now passed to the United States of America, which is the clearest and strongest incarnation of the present world principle—that is, capital. America desires peace in Europe because she has investments everywhere and does not wish to see them endangered. Meanwhile, Germany is faced by a multitude of problems which can be solved only when the working classes actually secure control. The task which led to the breakdown of the Empire, and which has been assumed by the Republic, now stands imperatively before the oncoming generation.

So ends the author's argument. It is of a type which will appeal greatly to some minds, and will seem to others—perhaps to the majority of careful thinkers—inconsistent, illogical, and colored throughout by personal bias. The endeavour to concatenate a narrow belief in nationalism with the laboring-class point of view, which is ever leaning toward internationalism, is hardly more successful than the attempt to reconcile a repudiation of foreign influences with the assumption that among the Western nations one is the cultural and spiritual leader—formerly Germany, now the United States. The outbursts of impassioned rhetoric, although they add an element of excitement to the discussion, interfere with the logic. The book as a whole is interesting, and the style simple, clear, and vivid. The ideas are such as will be received with applause by those who already hold them.

FREDERICK F. BLACHLY.

The Brookings Institution, Washington, D.C.

Democracy: Its Defects and Advantages. BY C. DELISLE BURNS. (New York: The Macmillan Company. 1929. Pp. 217.)

Democracy, as Dr. Burns envisages it, moves along three converging lines: the political, the industrial, and the educational. It cannot persist and achieve success in its political manifestation unless industry is similarly organized and an appropriate culture imparted to the common man. Dr. Burns is, on the whole, optimistic. The tendencies that he observes give him some ground for confidence in the fu-

ture. If, during the past generation, culture has been spread a bit thin and has developed some objectionable aspects, nevertheless the people are being better educated, the voters are becoming more intelligent. In industry "there is less complete domination of large groups of men by a select few;" the manual workers are gaining an effective influence. In administration, we are told,—and this runs quite contrary to the view expressed by Mr. Ramsay Muir in his *Peers and Bureaucrats*,—"governing and being governed are no longer functions of two distinct classes. . . . Governing, rather than being governed, becomes the normal function of the citizen. . . . A new art of government is being developed by comparison with which the authoritarian methods of the past are primitive." In all three fields, then, the latent potentialities of the common man are being called into play.

"Democracy in practice is the hypothesis that all men are equal, which is used in order to discover who are the best." Of its three characteristics—liberty, equality, and fraternity—the last is by far the most fundamental. Fraternity means "acting as if one's actions were a part of a whole with the actions of other men, coöperating in a common enterprise." This spirit of coöperation—this social perceptiveness and imaginative sympathy—has actually increased in the past century, Dr. Burns insists. It will be still further increased by education. In fact, as repressions are removed and impulses or tendencies given a new social direction, an immense store of new abilities may be released. "Rivers of energy and good fellowship are still held frozen by an ice-age of suspicion and jealousy. But the ice-age is passing; for not only by new laws or new institutions, but also by the acts of Nobodies, the democratic ideal becomes daily more operative and the minds of men are freed from fear. In the hands of Nobodies is the hope of the future."

These few quotations and comments do not give an adequate impression of the book. Dr. Burns has treated a familiar theme, a theme which would seem to offer little scope for originality, with invigorating freshness. If he has brushed aside too casually some of the criticisms of democracy, he has also introduced new factors and emphasized others that have received too little consideration. He peers below the superficial, momentary failures of democratic striving and rests his hope confidently on the operation of obscure, but dynamic, social forces.

E. M. SATT.

Pomona College.

Die amerikanischen Revolutionsideale in ihrem Verhältnis zu der europäischen: untersucht an Thomas Jefferson. BY OTTO VOSSLER. (München und Berlin: R. Oldenbourg. 1929. Pp. 192.)

Like the recent books of Hirst and Chinard, Vossler's study of the relation between the revolutionary ideas of America and of Europe represents a European scholar's appraisal of the political influence of Thomas Jefferson in America.

Vossler emphasizes that the American Revolution was a political rather than a philosophical movement. In pointing out the leading part played by lawyers in the struggle, the author reminds us that in civil-law countries the legal practitioner does not have the practical training in public affairs and constitutional questions which is the heritage of the profession in common-law countries. Thus the Revolution was a legal controversy over constitutional interpretation. The natural rights of Englishmen were conceived of as protected by positive law, as being part of the legal structure rather than its philosophical basis. American political institutions permitted the redress of specific grievances and the achievement of particular reforms. Agitation in the New World therefore was directed toward practical objectives. It did not develop into an introversive *Weltanschauung*, as in Europe. Deprived there of any constructive outlet, discontent was dammed up within a dream world until it burst the barriers in revolutionary violence. The American Revolution was accomplished, wrote Jefferson in the *Encyclopedia*, by the simple process of directing that governmental powers hitherto exercised by certain people should hereafter be exercised by certain other people. Colonies which already elected their governors, such as Rhode Island and Connecticut, did not even need to modify their constitutions. "We have changed our form of government," wrote Dr. Benjamin Rush to Richard Price, the English divine, "but it remains yet to effect a revolution in our principles, opinions, and manners, so as to accommodate them to the government we have adopted."

It remained for Price, with his doctrine of religious rationalism progressing mathematically from individual freedom to international federation, and Tom Paine, with his passionate onslaughts against tyranny, to perceive and proclaim the significance to mankind of events in the New World. Those writers were forerunners of Colonel George Harvey in the matter of telling the American people what they fought for.

There was prevalent in France an ignorant idealizing of America. French and English histories of the American Revolution, as John Adams had pointed out, were nothing but worthless monuments of their authors' ignorance. The magic figure of the astute Franklin, and the language of American constitutions, widely read by the French, added to the tendency toward apotheosizing a legendary America.

This view of his own country Jefferson absorbed in Paris. Seeing the negation of democracy in France, he came to esteem it for America. Seeing the evils of absolutism, he was impressed with the virtues of popular government. He came to the view of Demeunier that Americans, without having studied aristocracy in Europe, know its faults only through their imagination, and hence do not treasure democracy highly enough. Jefferson left France before the Revolutionary excesses began, with a favorable picture in his mind of the French Revolution and of the American Revolution. In the United States, he found himself alone, neither a Federalist nor an Anti-Federalist. The new meaning which he attributed to the Revolution was one in accord with national needs. Founder of the conscious mission to mankind of the American democracy, Thomas Jefferson was the first citizen of the new world.

From the foregoing account of Vossler's very readable and interesting study, it will be seen that he somewhat over-emphasizes the influence of French thought on Jefferson. As Chinard has shown, it may be doubted whether the French did not learn more from Jefferson than he did from them. America was an example of republicanism practically successful; France merely an illustration of the evils of the opposite form of government. His French experience caused Jefferson to cherish more than ever the ideas and institutions for which he had contended in his native land.

It is unfair to infer from the existing excellence of a people's political institutions an indifference to intellectual and philosophical interests. One might as well infer from the ownership of valuable paintings a lack of interest in art; or from membership in the League of Nations a lack of interest in world peace. The fact that Americans could invoke existing legal and political machinery to protect their natural rights does not prove that they did not value those rights highly. One must not think them less interested in liberty than the French, but rather more, when they have gone beyond mere parlor meditation and embodied their rights in positive law. Because they did not spread their philosophy of liberty by conquest of other peoples

to give them freedom, as the French did, but instead, by the Monroe Doctrine, asserted that there must be no interference with the political life of peoples striving to establish free government for themselves, it must not be supposed that Americans wished to preserve the blessings of liberty as their exclusive birthright.

EDWARD DUMBAULD.

Harvard Law School.

French Liberal Thought in the Eighteenth Century. BY KINGSLEY MARTIN. (Boston: Little, Brown, and Company. 1929. Pp. xviii, 313.)

This book is a great advance over the series of studies consecrated by Morley to the French eighteenth century which has hitherto been the best treatment of the subject available in English. Possibly Mr. Martin's only advantage is his modernity, and Morley, like other Victorian classics, may have time on his side. But to us Morley seems tied to an Ethical Society rationalism, an over-simple psychology, a sense of propriety, and a feeling for English superiority. These last two characteristics are never conscious in Morley; he does indeed make great effort to be open-minded. They are simply parts of that ill-defined and, by us, no doubt abused, label for a way of thinking and living known as Victorian. Mr. Martin is particularly sensible about Rousseau; but in a hundred ways, such as his admission that the political theory of the Fronde is analogous to that of the Great Rebellion in England, his statement that "Too much has been claimed for the English deists as an influence on eighteenth-century France; for Bayle was a deist before Tindal or Toland" (p. 47), and his very evident feeling that the kind of French patriotism found in Faguet, if a little amusing, is also not unnatural, he shows a real freedom from what used to be called English insularity. One is tempted to believe, when one considers the work of men like Mr. Martin, Lytton Strachey, G. Lowes Dickinson, and many others, or the enthusiastic reception of the work of Proust in England, that Englishmen really do understand Frenchmen better than their fathers did. Perhaps, however, a reading of current English newspapers would make such a belief less apparent.

Mr. Martin's book is admirably composed. From Juieu to Condillac, he traces the growth of ideas hostile to the *ancien régime* and their hardening into a revolutionary faith. He is too good a child of his age to use exclusively what he terms the "great thinker" method and the "philosophic" method. He proposes to relate the revolution-

ary abstractions, Liberty, Equality, and Fraternity, to the living flesh; and in this process he is the dupe neither of a faith in the driving force of ideas as such nor of a certitude that interests—chiefly economic interests—explain all political action. Indeed, one of the best parts of the book is his brief and sensible treatment of the much-discussed problem of how far the *philosophes* are responsible for the Revolution. Recognition that ideas and interests interact in the political consciousness of men is to him “the beginning, not the end, of an inquiry” (p. 66). The concluding chapter is an interesting attempt to suggest how much of eighteenth-century thought is valid today.

Mr. Martin does, however, fall into the old-fashioned liberal habit of damning the *ancien régime*. His “Leviathan State” seems unreal in the light of researches by French social historians from Babeau to Georges Lefebvre. One ought not to say that Louis XIV “totally ignored the ancient French constitution” (p. 29), without explaining what that constitution was; and a statement like “the peasant still paid away eighty per cent of his livelihood to his king and his lord” (p. 55) at least deserves a footnote.

CRANE BRINTON.

Harvard University.

The Diary of John Quincy Adams, 1794-1845. Edited by ALLAN NEVINS. (New York: Longmans, Green and Co. 1929. Pp. xx, 585.)

The memoirs of John Quincy Adams have long been considered perhaps the most valuable source a college student interested in American history ever encounters, but many libraries find it very difficult and expensive to procure this monumental set now long out of print. In a very attractive volume of only 575 pages, Mr. Nevins has succeeded remarkably well in giving college students and the general reading public a comprehension of the contribution made by these memoirs to an understanding of the great episodes of American history throughout the half century of Adams' activity. Few undergraduates have time for more reading even in this indispensable source than they here find conveniently arranged upon all major episodes such as the Chase impeachment, the evolution of the Monroe Doctrine, the peace negotiation of 1816, the presidential election of 1824, the bitter struggles of the Jackson administration, South Carolina nullification, the Gag Rule, Abolition agitation, and many others.

The editor is to be complimented highly, not only upon the material which he has selected from so rich a field, but also upon what he has

seen fit to leave out. It is highly probable that the average student can get, not only a richer conception of the mentality of John Quincy Adams, but also more of a real understanding of these many episodes throughout the first half of the nineteenth century in American history, from this brief condensation of the memoirs than he ever would obtain from perusing the complete work.

Each chapter is equipped with a significant table of contents, and the volume has an adequate index. The footnotes are not numerous, but illuminating. The publishers are to be congratulated upon the mechanical make-up of the volume. The work should be found on the shelves of every library, high-school, city, and college, even where the complete memoirs are also to be found.

J. L. CONGER.

Knox College.

The Open Door and the Mandates System. BY BENJAMIN GERIG.
(London: George Allen & Unwin, Ltd. 1930. Pp. 236.)

Dr. Gerig is well qualified for the task here undertaken. For several years a student and teacher of economics in the United States, he has recently pursued further studies as a fellow of the Institute of International Studies in Geneva, and is now a member of the Information Section of the League of Nations. The book appears to have been written under the special guidance of William E. Rappard, the able Swiss professor who, as the first director of the Mandates Section of the League Secretariat, and since as a member of the Permanent Mandates Commission, probably knows more about the actual working of the mandates system than any one else. Dr. Gerig has had ready access to materials and unusual opportunity for obtaining pertinent information at first hand.

The result is an excellent volume. In the first three chapters the author traces the historical development of the open door policy, always with reference to its special application to colonial dependencies. One of these chapters is devoted to the development of colonial tariff policies prior to the Berlin Act of 1885, and the other two to a careful exposition of the setting, character, and effects of the Berlin Act, and to the other open door developments down to the time of the Peace Conference. Being concerned only with colonies and mandates, Dr. Gerig deliberately omits any discussion of such an important phase of the open door problem as its application to China by John Hay. In these chapters he shows that the open door policy in its colonial aspects was first adopted by Great Britain during the middle of the nineteenth cen-

tury, that other countries followed suit, and that Germany in particular maintained the open door during the entire period of her colonial empire. The later movement for protection in England, the adoption of the preferential system by the dominions, and particularly conditions of the war, brought about a reversion on the part of Great Britain to a system of imperial preference. Since France and Italy, and even the United States, had in general been practicing "assimilation" or "preference," the difficulties in the way of adopting a genuine open door in the newly established mandates were obviously the greater.

The fourth chapter is given over to a discussion of the way in which the Peace Conference met these difficulties. The result was an inevitable compromise, but at any rate a partial establishment of the open door. In three other chapters the author examines the working of the mandates system, and concludes not only that the expert, impartial, and diligent supervision exercised by the Permanent Mandates Commission has made of the mandates system a very real plan of trusteeship instead of annexation, but that a high degree of economic equality has also been maintained. The attitude of the United States in insisting upon absolutely equal economic opportunity for itself in all classes of mandates (to which a separate chapter is devoted), was, under the circumstances, neither ethically correct nor, in all cases, legally sound. But it did have this beneficial result, that the terms of the Covenant have been liberally interpreted and the principle has in effect been established that "the advantages of the sacred trust of civilization set forth in the mandate principle are to accrue both to the peoples under mandate and to the economic and other interests of the world at large." Better still is the evidence that the mandate principles are already being extended to other regions, and their still further extension is being urged. The author cites, for example, the memorandum of the British Labor party in April, 1928, declaring that the mandate system "makes it necessary to consider even in the case of British dependencies the possibility of some kind of international control" (p. 198n.); and earlier than that the French minister of colonies declared: "Reforms accomplished in one place will inevitably penetrate elsewhere. Whether we like it or not, colonial questions have ceased to be purely national; they have become international, placed under the eyes of the world" (p. 122).

Dr. Gerig is no uncritical admirer of the mandates system, and he makes no claim of unqualified success for that system. He is clear,

however, that it is a considerable improvement upon the old colonial system and offers much for the future. "Colonial enterprise today is mainly in the hands of ten nations. That this distribution is equitable from any point of view can easily be challenged. The open door is a partial immediate remedy for the inequalities which are incident to this unequal distribution of the markets and resources of the undeveloped territories of the world. The mandates system is undoubtedly the most effective instrument yet devised to make the open door effective" (pp. 198-199). Both Gerig and Rappard, who has written a foreword to the book, seem to feel that the ultimate success of this new experiment in colonial administration is dependent upon the support of an enlightened public opinion.

A good bibliography and six appendices are added, the latter reproducing the texts of one of each type of mandates agreement, the mandates treaty between the United States and Great Britain with respect to Tanganyika, the San Remo Oil Agreement of 1920, and a map showing the mandated territories. Altogether, this is a most excellent and useful volume.

CLARENCE A. BERDAHL.

University of Illinois.

Tsingtao under Three Flags. BY WILSON LEON GODSHALL. (Shanghai: The Commercial Press. 1929. Pp. xxi, 580.)

Seven years ago Professor Godshall published at the University of Pennsylvania a doctoral dissertation entitled *The International Aspects of the Shantung Question*. Two years later he spent a year in China in further study of the subject. The result is an expanded work of enhanced value. Unlike one well-known writer who prefaced his study with the statement, "This volume tells everything that the student or the casual reader needs to know about the Chinese Question," Mr. Godshall modestly admits that his study "cannot be regarded as conclusive." His claim that much of his material has not before been published, and that other parts have hitherto been difficult of access, is substantiated in the volume under consideration. Especially is this true in the matter of statistics.

While admitting the right of an author to define the scope and content of his work, it would appear that a book carrying the title above mentioned should have less material of a general and secondary nature than is the case here. A considerable part of Chapters I, II, III, and V, dealing with the expansion of Russia, Germany, and Japan, might well have been omitted. The facts presented are either well-known or

easily accessible to any student of the history of the Far East. Moreover, in an attempt to cover a vast field in a limited space the author has allowed errors to creep in, e.g., a reference to Frederick II as the Great Elector of Brandenburg (p. 72); a statement that China "began to attach to each treaty a declaration by the king of Korea stating that in fact he was tributary to China" (p. 162); and a reference to the flight of the Imperial court to the "Western Hills" in 1900.

The book is badly bound. The illustrations, however, are excellent. There is an appendix containing many of the leading documents in the field. The index is satisfactory. The bibliography contains no mention of *Die Grosse Politik*, nor is this source mentioned in the footnotes. Nevertheless, the student who desires a detailed discussion of the important subject of Shantung from 1914 to 1922 will find a great deal of value in Dr. Godshall's study, which is admirably objective. The last chapter, "China's Opportunity," in which an account of Tsingtao after its return to China is given, is of outstanding interest.

University of Chicago.

HARLEY FARNSWORTH MACNAIR.

The Dissenting Opinions of Mr. Justice Holmes. Arranged with Introductory Notes by ALFRED LIEF. Foreword by Dr. George W. Kirchwey (New York: The Vanguard Press. 1929. Pp. xviii, 314.)

This volume rather more than fulfills the promise of its title, for along with dissenting opinions are included a number in which Justice Holmes had more than God and Justice Brandeis at his side, and at the end is given a generous budget of those graphic and enlightening phrases and paragraphs for which the instructed reader must always be on the alert in perusing anything from the inspired pen of this Ithuriel.

What are the qualities of mind that stand out in Justice Holmes' judicial opinions, besides learning and lucidity? They are, first, the completest sense of the relativity of things; and, secondly, an almost paradoxical strength of determination to prevent liberty from being strangled by property. The latter makes him the champion of democracy; the former puts him entirely beyond democracy's comprehension. The two together have furnished him with a scale of values in the field of constitutional interpretation that, to the reviewer at least, rings true nine cases out of ten.

Mr. Lief's compilation makes a good companion piece to Professor Laski's *Collected Legal Papers of Oliver Wendell Holmes*.

Princeton University.

EDWARD S. CORWIN.

BRIEFER NOTICES³

AMERICAN GOVERNMENT AND CONSTITUTIONAL LAW.

"The Index and Digest to State Legislation," authorized by act of Congress approved February 10, 1927, was designed to fill a long-felt want. (See the note prepared by Herman H. B. Meyer, director of the Legislative Reference Service of the Library of Congress and printed in 22 *American Political Science Review* 121-127). The first volume of the new index, covering state legislation during the biennium 1925-26, has recently been published by the Government Printing Office under the brief title, *State Law Index, No. 1*. It is based upon the experience of the Legislative Reference Service in indexing state legislation for the use of members of Congress, and is constructed in accordance with the plans of Director Meyer as explained in the note referred to above. It contains an index to state legislation, which occupies 358 printed pages, a digest of important state legislation in nearly 100 pages, and a further digest of state laws relating to administrative organization and personnel in 130 pages. Finally, there is a statistical summary of state legislation during 1925-26, showing that a total of 16,099 acts were passed by the state legislatures, filling 33,068 printed pages. The preparation of such an index and digest involves many difficulties. In dealing with those of a technical nature, Director Meyer has endeavored to meet the needs of the student of comparative state law without producing a volume which would be excessively bulky or expensive. To this end, he indexed only the general permanent law enacted during the biennium, omitting private and local acts (with occasional exceptions) and also temporary acts, appropriations, and acts dealing with administrative personnel and organization. The latter, however, are covered in a separate digest. The work has been executed with good judgment and painstaking care. It will amply meet the expectations of students of political science, and, if properly supported by Congress, should eventually lead to a series of indices of permanent and increasing value.

A. N. H.

³ In the preparation of the Briefer Notices, the editor in charge of book reviews wishes to acknowledge the assistance of Dr. E. P. Herring.

The American Year Book for 1929 (pp. xx, 884), like its predecessors, devotes over one-third of its space to developments during the past year in the field of American government, under the headings of political history, international situations affecting the United States, national government, state government, municipal government, territories and spheres of influence, public finance and taxation, public resources and utilities, defense and armaments. Among the topics of special interest to teachers of government are significant federal legislation, presidential policies, state and local elections, foreign service, treaties completed and ratified, Latin-American relations, American relations in the Orient, international conferences, America's relations with the League of Nations and World Court, personnel of the national government, federal judicial prosecutions, national and interstate relations of states, state constitutions, referenda and initiatives, changes in electoral laws, state legislatures and legislation, state executives, state administration and judiciary, county and rural government, city politics, types of municipal government, metropolitan and regional planning, zoning, public service commissions, public utility mergers, and municipal ownership and operation. The contributors on these topics are practically the same as those for the 1928 volume and include many of the leading teachers in the field of government. The editors are Albert Bushnell Hart and William M. Schuyler, and the publishers the American Year Book Corporation. As a reference work, this compilation is indispensable to the teacher and student of American government.

Henry W. Clark's little *History of Alaska* (Macmillan Company, pp. 207) is the first book to cover the subject in its entirety and is an authoritative and accurate account of the development of that region. It is suggestive rather than exhaustive, but shows the result of much careful research, especially in material covering this century and the last decade of the nineteenth. A survey of present economic conditions is also given, but the features most useful to political scientists are Alaska and its frequent appearance in international affairs, and the account of its territorial government. The fact that Mr. Clark came from Alaska gives an added weight to his opinions and lends interest to his work.

The Constitution of the United States, by William Bennett Munro, has been published by the Macmillan Company (pp. viii, 197). The

purpose of this little volume, the author explains, is to present, in concise form and non-technical language, what the various clauses of the nation's fundamental law express and imply. "It is for those who wish to acquire a general familiarity with the national constitution as a document, but who are not minded to follow all the intricacies of constitutional interpretation. Hence this brief commentary cuts loose from the welter of footnotes, references to judicial decisions, bibliographies, and historical digressions which usually encumber books of its sort." Here is the constitution reduced to its simplest terms.

E. P. H.

FOREIGN AND COMPARATIVE GOVERNMENT

In these critical times for India, special interest attaches to *Indian States and British India*, by Gurmukh Nihal Singh (Nand Kishore and Bros., Benares, pp. xiv, 380). The author, who is head of the department of economics and political science at Benares Hindu University, gives a well-documented account of the present position of the Indian states and analyzes at some length the findings of the Butler Committee. Contrary to the opinion of the latter body, he holds it unquestionable that the relations of the states are with the government of British India, and not with the crown, and suggests that the British have invented the theory of the direct relationship with the crown in order to prevent or delay the consummation of Indian political unity. For the attainment of a true federation of India he contends that the smaller states must agree to amalgamate into larger units, and that all the states must transform themselves from autocracies into constitutional democracies. More than half of the volume is made up of a useful collection of documents.—R. E.

Industrial Arbitration in Great Britain, by Lord Amulree, published by the Oxford University Press (pp. x, 233), traces in concise fashion the long history of labor legislation in Great Britain dealing with the regulation of wages, organization in unions, and conciliation. Particular attention is given to the various methods attempted for the peaceful settlement of industrial disputes. The author finds the Industrial Court instituted by the government in 1919 the most rational and convenient means of achieving peace in labor disputes that has yet been devised. He regards it as the consummation of the long preceding period of experimentation in industrial arbitration. Lord Amulree comes to the general conclusion, however "that the settle-

ment of industrial differences otherwise than by means of a trial of strength between employers and workpeople is primarily not a matter of administrative machinery or legislative procedure, but of goodwill and common sense."

J. Ramsay MacDonald, Labor's Man of Destiny, by H. Hessel Tiltman (Frederick A. Stokes Company, pp. x, 456), is not a great biography. It is eulogistic rather than penetrating, expository rather than interpretative. Nevertheless, the facts of MacDonald's career are set forth in an orderly and readable fashion, and the labor leader, through the liberal use of quotations from his speeches, is allowed to speak for himself. There is much to commend this method in recording the life of a man still living. The chapters on the "interregnum" and on the British Commonwealth of Nations are particularly graphic in demonstrating MacDonald's attitude as reflected in his spoken and written word. The book is advertised as the "authorized life-story of the great Labor Prime Minister." It impresses the reader as authentic and interesting, though hardly definitive.

A Source Book of Constitutional History from 1660 has been published by Longmans, Green and Co. (pp. xii, 505). The volume was compiled by D. Oswald Dykes, professor of constitutional law and constitutional history in the University of Edinburgh. Covering the period from the Restoration to the present time, the book contains reprints selected from the statutes, acts, and judicial decisions of significance in the history of the English constitution. The documents have been grouped under topical heads, and an effort is made in a long introduction to link together the various materials and to place them in their proper context.

Joseph Baernreither's *Fragments of a Political Diary*, edited by Professor Joseph Redlich (Macmillan, pp. 322), will be of great interest to all students of pre-war politics, but especially to those who have devoted time and study to the problems of the old Hapsburg empire. The author of these notes was a prominent Austrian deputy and statesman who for many years followed the course of Austro-Serbian relations with the keenest attention and devoted himself to the amelioration of the position of the southern Slavs within the monarchy, with the firm conviction that the Empire must be reorganized or it would be smashed. This volume abounds in valuable observations on the social

as well as political conditions in Bosnia, Herzegovina, and the other Slav provinces, the observations being interspersed with the author's critical comments on the policies pursued by the government. The period more particularly dealt with is that from 1906 to 1914. Baernreither was in close contact with both Aehrenthal and Berchtold and has much to say of the crises arising from the annexation of Bosnia and Herzegovina and from the Balkan wars. He repeatedly stresses the short-sightedness, and even blindness, of the government, and clearly shifts the responsibility for the debacle to the shoulders of the Viennese officials. The reader, coming from Baernreither's own excellent account of the complicated situation in the Balkans in the pre-war period, may, however, be inclined to doubt whether, with so much inflammable material concentrated in a relatively restricted area, a conflagration was really avoidable.—W. L. L.

It is a relief to see a general and popular book on Russia like *Humanity Uprooted*, by Maurice Hindus (Jonathan Cape and Harrison Smith, pp. xix, 369), written in English by one who knows Russia. Mr. Hindus' competence shows itself in his accurate observation and judicious generalization. His knowledge of pre-revolutionary Russia gives him a commendable perspective in the appraisal of present-day conditions. The part which depends upon personal observation will receive the approval of most travelers in any way competent to observe; the smaller part which deals with political and moral questions will invoke responses which depend upon far more than one's feeling about the new Russia. But the book as a whole should receive universal commendation for its unimpassioned tone and its objective effort to see Russia and the Russians from the point of view of those whose lot is irrevocably thrown in with the new régime. It should dispel many myths and stimulate much thought.—R. O.

My Life, by Leon Trotsky (pp. xiv, 559), is an absorbing story of the revolutionary leader, his boyhood, his adventurous career of hazard, imprisonment, exile, and escapes, his activities in Soviet leadership, his struggle within the party, his deportation, and his present residence on Prinkipo. Trotsky tells the tale with spirit, with some rancour, but always with a strong injection of his personality and a depth of feeling that gives the narrative vitality and verve. There is almost no philosophizing, no attempt at profundity, little analysis of the momentous events recorded. The author seems concerned primar-

ily with narration. He has an interesting and important story to present, and he tells it well. The book is published by Charles Scribner's Sons.

Federative Staatsbouw, een Vraagstuk voor Nederlandsch-Indie, by Dr. F. W. T. Hunger, Jr. (H. J. Paris, Amsterdam, pp. 134), is a study of the existing forms of federal government, with special reference to the possibility of the development of some such organization in the Dutch Indies. Conditions in the Federated Malay States are probably most like those in the Dutch colonial possessions, and the former could well serve as something of a model. The greatest difficulty in any such development lies in the inequality and diversity of the probable members of the federation. But as Dr. Hunger does not regard equality as a requisite to union, he believes this obstacle can be overcome.

F. F. G. Klenwaechter, a proponent of the *Anschluss*, presents in *Self-Determination for Austria* (George Allen & Unwin, pp. 74) a plea for union between Germany and Austria on the basis of Wilson's doctrine of self-determination. Union, according to this popularly-written booklet, is inevitable, since Austria cannot exist permanently as an independent state, and since racially, culturally, and historically the Austrians form part of the German people. There is a brief discussion of Austria's situation today, and of the means by which Austria can be helped.

INTERNATIONAL LAW AND RELATIONS

The John Day Company has published *The Way of Peace—Essays and Addresses*, by Viscount Cecil (pp. vii, 256). As is inevitable in a collection of public addresses, this book is full of repetition and is directed less toward exposition and analysis than toward persuasion. Its major interest lies in the fact that it was written by a statesman who perhaps contributed more than any other toward the development of the League of Nations. Lord Cecil believes that persistent, co-operative effort through permanent institutions, capable of growing in strength, is the key to political and social progress, whether in international or national life. He finds this philosophy justified by the historic record of the steady growth of areas within which peace and order prevail, from the tribe through the city and nation to the family of nations (p. 104). Stability is thus his criterion of progress. He

is essentially a conservative, but in his willingness to abandon old methods and try new ones for the achievement of this purpose he is distinctly liberal. The political scientist will perhaps be most interested in the writer's observations on practical politics as it operates in the two institutions with which he has been most familiar, Great Britain and the League of Nations. Lord Cecil is both a moralist and a practical politician. He believes in sticking by ideals, and he also believes in accepting the best compromise available at the moment. The reconciliation of these two beliefs is the theme continually reverted to in these addresses. For instance, we are introduced to such problems as when a party man should vote against the ministry (p. 38); whether President Wilson was right in refusing to make concessions on the Covenant (p. 236); when the rule of unanimity is good and when it is bad (p. 187); why utility alone is an unsafe guide for national policy (p. 135).—Q. W.

The Unity of the World, by Guglielmo Ferrero, is published by Albert and Charles Boni (pp. 196), and *A World Community*, by John Herman Randall, is from the press of Frederick A. Stokes Co. (pp. xvii, 294), two books on the same topic, but treated in widely differing fashions. Mr. Randall discourses upon the forces creating a world-consciousness and then upon the chief obstacle to the realization of a world community. He emphasizes the necessity of attaining a proper understanding of the new interstate relationships brought about by the modern economic and political developments in the world. The volume is based largely upon an indiscriminating assortment of recent books, some of dubious content, dealing with the subjects discussed. The author has nothing new to offer and is frankly engaged in introducing a series of books to follow on more specialized phases of world unity. One turns to Guglielmo Ferrero's volume with interest quickened by Professor Charles A. Beard's introductory recommendation. The latter writes: "If I am not sorely mistaken, this book will become one of the universal classics to be read with Plato and Aristotle by the long generations to come." The reviewer finds little to substantiate this estimate. The book is a pleasantly written essay setting forth some fresh generalizations which, although original and suggestive, hardly impress one as convincing or significant. Ferrero discusses the present trends and the probable developments in international affairs against a rich background of historical reference. Whether or not one agrees

with the author's sweeping statements or confident analyses, his theories are challenging and his style of presentation piquant.—E. P. H.

Imperialism and World Economy, by Nikolai Bukharin, with an introduction by Lenin (International Publishers, pp. 173), is an interesting but rather thinly propounded thesis, written in 1917, which attempts to extend the Marxian theory of capitalism to its modern manifestation, imperialism. As seen by the author, the tremendous advances of the productive forces of world capitalism, culminating in large-scale production, has progressed into a stage where control rests in the hands of a few "magnates of capital." State power, as well as the economic elements of state life, have become the domain of a financial oligarchy which is rapidly assuming world proportions as overproduction proceeds to build up international cartels and world-embracing financial units. A Marxian evolutionist, the author finally comes to the conclusion that capitalism, by driving the concentration of production to extremes, and by creating a centralized production apparatus, has prepared its own destruction, in so far as it builds up a highly centralized economic system completely adapted to the transitional needs of communistic organization. On the whole, the book contributes nothing that is new to the question already so fully expounded by Marxian writers. Lenin's introduction of six pages, in addition to referring briefly to capital as the source of present-day world power, includes an interesting criticism of Kautsky's theory of a peaceful ultra-imperialism.—M. W. R.

The Franco-Russian Alliance, 1890-1894, by William Leonard Langer (Harvard University Press, pp. ix, 455), is a careful and intelligent study based upon all available pertinent material, including particularly that in the archives at Vienna. A substantial introductory portion explains the situation which led to the Franco-Russian alliance. A complete account of the actual negotiations awaits further publication by the governments concerned. Dr. Langer has nevertheless constructed a clear and apparently adequate account, with life-like pictures of the principal negotiators. He discerns no noteworthy concrete advantages resulting for France, but a great many for Russia. The concluding chapter outlines the consequences of the alliance up to 1914. The bibliography is extraordinarily complete and well annotated.—A. H. L.

Under the title of *Nationalism and Internationalism* (Frederick A. Stokes Company, pp. xi, 273), Herbert Adams Gibbons has added another to his already long list of popular historico-political writings. The present volume contains six lectures delivered in 1927 at the Institute of World Unity in Green Acre, Maine. The lectures consist of an outline of the history of nationalism from the earliest times down to the post-war period. Despite an apparent conviction that nationalism, at least in its later stages, has been a disruptive force leading inevitably to international suspicion and war, Mr. Gibbons suggests, in his rather unexpectedly optimistic concluding pages, that "the hope of internationalism lies in nationalism."—R. E.

The League Council in Action, by T. P. Conwell-Evans (Oxford University Press, pp. 291), while adding little to the texts already published, nevertheless presents the functions and powers of the League in a manner quite convenient for the use of students. Part I deals with the legal basis of the authority of the Council of the League; Part II with the rôle of the League as a guardian of the peace; and Part III with international disputes. The author has devoted most of his space to a description of this latter point, with special emphasis on the functions and limitations of the powers of the Council.—M. W. R.

An excellent survey of Chinese public finance is furnished by Dr. A. G. Coons in his monograph, *The Foreign Public Debt of China*, published by the University of Pennsylvania Press (pp. 251). This volume contains not only a comprehensive and precise description of the various loans to the Chinese government by foreigners, but also a careful analysis of the existing and potential financial resources of that government. The author's object is to estimate the ability of the government to meet its foreign obligations—assuming the existence of a government of China and of a disposition to pay its debts. Mindful of this object, the author distinguishes between the economic and political factors in the problem, and resolutely avoids the assumption of responsibility for predicting the future course of Chinese politics. Within the limits prescribed by his methodology, his thesis is definite and convincing. "Whatever group succeeds in uniting China," he concludes, "if in point of time that success is not too far removed, can, if it will, meet China's foreign indebtedness."—A. N. H.

In Donald C. Blaisdell's *European Financial Control in the Otto-*

man Empire (Columbia University Press, pp. 243), European imperialism is portrayed as the real administrator of the Ottoman public debt, with economic control gained by means of loans, budget supervision, and political intervention. The sequence begins with foreign investments, followed by financial tutelage and intervention. Turkey before the World War is here designated as under the domination of the interested Powers, and significant inferences may be drawn from the policies of these states. Dr. Blaisdell's treatment of the problem as it existed before the World War is informative. As for his treatment of Turkey under the present Kemalist régime, it suffers somewhat from the obvious inaccessibility of pertinent data under the more or less absolutist dictatorship. Dr. Blaisdell's emphasis upon the nationalist movement as a powerful instrument against foreign control, however, strikes the keynote of the present situation in Turkey. And, as he is careful to point out, in spite of the almost fanatical opposition to foreign financial aid, some vestiges of the old control still remain.

—M. W. R.

Since the dawn of history, the Egyptian question has in some form faced the world. The mention of Fashoda recalls Marchand and Kitchener and the French and English rivalry for control of the Upper Nile when faced by the then increasing influence of Germany in world affairs. *Fashoda, The Incident and its Diplomatic Setting*, by Morrison B. Giffen (University of Chicago Press, pp. ix, 230), based in part upon recently published records, presents an excellent picture of this late nineteenth-century episode. There is a good bibliography and an index.

Judge Bustamante, of the Permanent Court of International Justice, in *La Mer Territoriale* (Antonio Sanchez de Bustamante y Sirven, pp. 304, Paris, 1930), translated from the Spanish, gives in some detail his work on marginal waters in connection with the American Institute of International Law. After a brief historical sketch, he summarizes attempts to codify the law of territorial waters, outlining the problems and solutions. As evidenced at The Hague a few months ago, the difficulties of codifying the law of the sea are somewhat greater than Judge Bustamante had anticipated. There is an unusually complete bibliography.

The lectures of Professor A. L. delle Piane on the *Doctrina de Monroe* (pp. 97) have been published by Jurisprudencia Uruguaya (Pub-

licacion No. 5, Montevideo). Eight of the lectures cover carefully the history and various interpretations of the doctrine. The ninth and last is a study of the nature and theory of the doctrine. The author's conclusion is as follows: "The true Monroe doctrine is the affirmation of the sovereignty of the American countries who have acquired their independence. Every attempt against the independence of an American state is a violation of the Monroe doctrine."

POLITICAL THEORY AND MISCELLANEOUS

The Oxford University Press has published an interesting and attractive survey called *The Seventeenth Century* (pp. xii, 372), by G. N. Clark, fellow and tutor at Oriel College, Oxford. The political scientist will be particularly interested in Chapters V, VIII, and X, dealing respectively with comparative constitutional history, international law and diplomacy, and political thought. Constitutional history is characterized by the fact that "the experience of the seventeenth century caused republican ideas to be generally discarded, and led both men of action and men of thought to throw their influence on the side of the kings." As to international law and diplomacy, the author reaches the conclusion that in spite of the systematization of international law, "the fundamental reason for the poverty of the results of the international statesmanship of the century was ignorance." The discussion of Grotius is quite penetrating and might well be summarized in the author's own explanation of the greatness of his work: "It lies in its laborious avoidance of too much originality." In his reflection upon political thought, Mr. Clark reaches a view somewhat opposed to the above quoted conclusion of his analysis of constitutional history; for he sees the acme of political speculation in Locke. But there is little in Locke, who stands at the end of the century, that is not in Althusius, whose system of politics had ushered in the century. What separates these two thinkers is the Thirty Years' War and the two English revolutions, which had exactly reverse effects. The reviewer feels that these revolutions have not been assigned sufficient weight to balance the account of comparative constitutional history. On the other hand, on what grounds can it be said that Althusius is deficient in the criticism of his fundamental principles? There have always been two types of political thinkers: those whose fundamental principles are critically evaluated in terms of philosophy, and those whose critical foundation is juris-

prudence. Althusius belongs to the latter class. Throughout the book there seems to be a certain lack of appreciation of the tremendous pioneer work accomplished by the highly developed city states in all matters pertaining to the technique of statecraft. This leads the author into erroneous assertions. For example, in speaking of diplomatic technique, he tells us that no other country at that time approached the French diplomats in the technique of their calling. This is undubitably wrong when the achievements of Venetian diplomacy are recalled. As a matter of fact, the progress of the French in this direction, as in a number of others, are part of that general process of Italianization so much resented by French patriots during the sixteenth century. But, on the whole, the book shows penetrating insight. It is a pleasing feature that the author succeeds well in giving a view of the European development in its entirety. There is no over-emphasis of any one country. By and large, his value judgments are well-founded and express the prevailing opinion of those best informed. His panorama is colorful, rich in detail, and correct in fundamental coloring, making a book worthy of the attention of him who would agree with one of the seventeenth-century pamphleteers that "whosoever sets himself to study Politicks, must do it by reading History."—C. J. F.

Public utilities and their regulation continue to attract more and more attention, as indicated by the increase in the number of books and studies on the subject. Among the most significant of these is *Public Ownership on Trial: A Study of Municipal Light and Power in California* (pp. xviii, 186), by Frederick L. Bird and Frances M. Ryan. The book is based, not only upon official reports, but also on visits by the authors to each of the twenty-five municipal plants in the state and personal conferences with numerous city managers, superintendents, auditors, accountants, and other public officials. The study deals with the growth of municipal ownership of light and power in California, physical statistics, financial statistics, methods of management, public power development in irrigation districts, and the law of municipal ownership in California. Separate chapters are devoted to the Pasadena and Los Angeles systems. The authors have been most fair minded and objective in their study, and have confined themselves to the presentation of facts and actual experience rather than arguments for or against municipal ownership. They express

the opinion, however, "that municipal ownership of light and power in California appears firmly established," and that in the main "the public systems have achieved financial success. . . . While the economies of large-scale generation of power have forced small cities to abandon generating plants, the recent revolutionary changes in the power industry have resulted in the sale to private companies of only two small distribution systems, both in towns of less than 500 population" (p. 22). *The Changing Character and Extent of Municipal Ownership in the Electric Light and Power Industry* (pp. ix, 102), by Herbert B. Dorau, the first monograph in a series of studies in public utility economics published by the Institute for Research in Land Economics and Public Utilities, is a preliminary report covering only a part of a larger study on the growth and development of municipal ownership in this field. The report is a statistical analysis of the growth of municipal ownership, the flux of ownership from private to public hands and vice versa, the growth of public ownership by geographic divisions, changes of a technical character, length of life of municipal establishments, and municipal ownership in communities of different sizes. The statistical material is preceded by an interesting presentation of the important factors explaining the rise and fall of municipal ownership, namely, legal and political factors, technological factors, economic factors, and "the causes to be found in the successive changes in the philosophy of the people at large with respect to the desirable extent of governmental conduct of essential services." *Control of Public Utilities Abroad* (pp. 88), by Orren C. Hormell, is reprinted from the Report of the Commission on the Revision of the Public Service Commissions Law of the State of New York and distributed by the School of Citizenship and Public Affairs of Syracuse University. Professor Hormell explains briefly the extent of public ownership and the methods of control of public utilities in Great Britain, France, Germany, Norway, Sweden, and Switzerland. The study is based upon a first-hand investigation in several of the European countries and the analysis of numerous books, reports, and statutes, to which there are ample references. For each country the author has given a bibliography including the most useful sources of information.

There is a regrettable absence of monographs dealing with the policies and practices of state utility commissions. In *Public Utility Control in*

Massachusetts, by Irston R. Barnes (Yale University Press, pp. vi, 239), we are given an excellent study of this nature. The main portion of the book is devoted to a history and analysis of the regulation of security issues and rates. As to the former, the author concludes that "there is virtually no over-capitalization of utilities in the state. But what is more important, the Massachusetts authorities know exactly what have been the investments in the various utilities. In this respect Massachusetts occupies a unique position, being far in advance of the other states. Massachusetts has had an excellent chance to adopt any theory of rate regulation it desired." In spite of this favorable situation, however, the Massachusetts commissions do not seem to have adopted any particular valuation theory. This may come as a surprise to those who have long associated Massachusetts with the prudent investment theory. Dr. Barnes' conclusion is amply substantiated by a discussion of a large number of rate cases, showing the application of a policy in some respects more akin to the reproduction than to the prudent investment theory. This book is a real contribution to the literature on public utility valuation.—H. L. E.

Materials for the Study of Public Utility Economics, by Herbert B. Dorau (Macmillan, pp. 975), is a very comprehensive and useful collection of readings. The major emphasis is on the growth, organization, and management of utilities, but considerable space is devoted to problems of governmental control. There are a number of selections on the legal status of public service industries, alternative forms of regulation, valuation and rate-making, taxation, and public ownership. The author has attempted to select material representing various points of view with respect to these controversial subjects. The wide scope of the book has necessitated the use of somewhat brief excerpts, but these have been judiciously selected. There is here much of value for courses in economics or political science dealing with public utility problems.

The Government and Railroad Transportation, by Albert R. Ellingwood and Whitney Coombs (Ginn and Company, pp. 642), is a book of readings designed to supplement text-book assignments in courses in transportation. A few excerpts are given illustrative of the definition of interstate commerce, the division of regulatory powers between the federal government and the states, and the experience of state regulation. Most of the selections are concerned with the Inter-

state Commerce Act. They consist largely of judicial decisions defining and interpreting the powers of the Interstate Commerce Commission, although portions of statutes and administrative orders and reports are frequently used. This is by far the most comprehensive collection of readings to be found on the subject. Questions suggesting additional study are appended to each section. A suggested list of readings supplementing these questions would have made the book even more useful.—H. L. E.

Railroad Consolidation, by Julius Grodinsky (D. Appleton and Company pp. xi, 333), furnishes an analysis of the problem of transportation consolidation and suggests a legislative program. It is urged that the main object of consolidation should be the efficient movement of traffic, and that legislation should be directed to the accomplishment of that end. In view of pending legislation, perhaps the most interesting proposal is that the Interstate Commerce Commission be given power to approve or disapprove of stock transfers.

Our Business Civilization, by James Truslow Adams (Albert and Charles Boni, pp. ix, 306), and *Adventurous America*, by Edwin Mims (Charles Scribner's Sons, pp. 304), are both concerned with certain aspects of contemporary life and thought in this country, but from strikingly different points of view. The divergence of attitude on the part of the respective authors is the more marked in that frequently they both make use of the same illustrations, only to prove opposite points. Mr. Mims preaches "the synthesis of new knowledge and old faith." While desecrating complacency, he protests the current philosophy of futility and disillusionment. In applying the adventuring spirit of the frontiersman to modern problems, the author believes a solution will be found. "A fighting chance is all that a brave man asks. . . . He may live on Main Street or in Zenith City, and be constantly associated with Babbitts, but he will coöperate with others in establishing community centers and art galleries, parks, and symphony orchestras." In his naïve haste to defend American culture, the author unwittingly reveals its inadequacies more thoroughly and more pathetically than does the studied criticism of J. T. Adams. This author sets out with the avowed intention of finding fault. He does so with polite suavity that is irritating rather than convincing. The essays include topics such as: A Business Man's Civilization, Hoover and Law Observance, and The Cost of Prosperity. There is

no great profundity or originality displayed, but there is sufficient penetration and analysis to make for stimulating reading.—E. P. H.

The well-known Renaissance and Dante scholar and politician Francesco Ercole has brought together various essays dealing with the political thought of Dante, in two volumes recently published by Edizioni "Alpes," Milano, under the title *Il Pensiero Politico Di Dante* (pp. 372, 412). The essays form part of that passionate endeavor of Italian patriots in recent years to emphasize the national aspects in Dante's thought, in order to make this greatest of Italian poets a full-fledged member of that greater community of profound thinkers who together constitute the national tradition so dear to all those who wish to rid themselves of equalitarian democracy, the rule of the mass. Consequently this work leads you directly into the heated discussions which have taken place among Italian nationalist intellectuals regarding the nature of this "tradition" itself. Appropriately enough, the first volume begins with an essay on *L'unità politica di nazione Italiana é l'Impero nel pensiero di Dante*. Here, as throughout the book, the main arguments are derived from a judicious use of citations from all Dante's writing, not only from the *De Monarchia*, but rather primarily from the *Divina Comedia*. Consequently, the book makes very attractive and stimulating reading from the literary point of view. For Francesco Ercole is not only a fine scholar, but a subtle mind as well.—C. J. F.*

Die Dynamik der Theoretischen Nationalökonomie, by Rudolf Streller (Tübingen: Mohr, pp. 225), which supplements an earlier study by the same author, *Statik und Dynamik in der theoretischen Nationalökonomie*, is representative of the present interest in Germany in certain aspects of the pure theory of economics. Very little attempt is made to study particular "dynamic" problems, but rather is the substance methodological and philosophical. Economic statics is defined as "an economic concept from which we abstract the element of time which may intervene between particular economic processes." Dynamics is an "economic concept in which the element of time plays an essential part." Confining himself to the latter concept, the author discusses its nature and the limitations which beset its use in the field of theory. Classical economics is described as essentially static, although the Austrians were the first to recognize clearly the implications of this fact. Among modern economists, Marshall, he thinks,

has done more than any one else in the handling of dynamic problems. Dr. Streller's critical appraisal of modern economic theory appears to be somewhat commonplace.—E.S.M.

Kirby Page edits the volume entitled *A New Economic Order* published by Harcourt, Brace and Company (pp. 387). The book is divided into two parts, the first dealing with rival world movements, and the second with "ways of transforming the present competitive system into a coöperative order." Capitalism, fascism, communism, and socialism are argued pro and con. Such topics are discussed as the minimum wage, social insurance, workers' education, consumers' coöperation, public ownership, the public control of credit, etc. To deal at all adequately with such subjects within the limits dictated by the space allotted is of course impossible. The book is valuable only in the degree to which it indicates the existence of certain problems and the diversity of viewpoints that may be taken toward them. The result is a suggestive survey. Among the contributors are E. R. A. Seligman, H. R. Mussey, A. F. Guidi, W. Y. Elliott, P. H. Douglas, H. W. Laidler, and Norman Thomas.—E. P. H.

The sixth volume of the *Cambridge Medieval History* (Macmillan, pp. xli, 1047) bears the title "Victory of the Papacy" and is devoted mainly to the thirteenth century. Besides the usual narrative chapters on the principal countries of Europe, it contains essays on many aspects of mediæval civilization which reach their climax in this period. Such chapters, written for the most part by English historians of distinction, give a wider interest to an indispensable work of reference. A student of political science will find for his purposes, besides much excellent constitutional history, chapters on commerce and town life, political theory and religious doctrine, ecclesiastical organization, and the universities of the Middle Ages. A stimulating introduction by Mr. Previt -Orton places the thirteenth century in its relation to the ages which precede and follow.—C. H. H.

The Americanization of Carl Schurz, by Chester V. Easum (University of Chicago Press, pp. xi, 374), is a carefully written biographical sketch dealing with Schurz's life during the ten-year period between his arrival in America as an "outlawed immigrant" and his return to Europe as American minister to Spain. The author's purpose is to show how "the 'brilliant German' was made into a devoted Ameri-

can citizen, and his influence upon public affairs even while the process of his Americanization was going on." The book bears the marks of scholarly research and originality and is interesting reading.

Recent studies issued by the National Industrial Conference Board deal with the *Cost of Government in the United States 1927-28* (pp. 149), *The Shifting and Effects of the Federal Corporation Income Tax* (pp. 251, 175), and *State Income Taxes* (pp. 121, 200). The expenditure of the national government, the states, and local governments all increased in 1927 over 1926. The national debt decreased, while state and local debt increased. Twenty states now have an income tax, five new laws being passed in 1929. The most important financial results have been in Massachusetts, Wisconsin, Delaware, and New York.

Two recent studies on local government in the United States are *Counties in Transition* (pp. 255), by Frank W. Hoffer, published by the University of Virginia Institute for Research in the Social Sciences, and *Rural Municipalities* (pp. 343), by Theodore B. Manny, published by the Century Company. The former deals with county public and private welfare administration in Virginia. The latter is a more general survey of rural local government, with reference to its social and economic background and proposals for reorganization.

A Survey of the Law Concerning Dead Human Bodies (pp. 199), by George H. Weinmann, has been issued by the National Research Council, under the auspices of its committee on medico-legal problems. It discusses legal questions as to what is a "dead body," property rights in such bodies, coroner's inquests, autopsies, and regulations as to disposition and exhumation, based on an examination of statutes and judicial decisions.

DOCTORAL DISSERTATIONS IN POLITICAL SCIENCE

IN PREPARATION AT AMERICAN UNIVERSITIES¹

COMPILED BY EARL W. CRECRAFT

University of Akron

POLITICAL PHILOSOPHY AND PSYCHOLOGY

- Norman Woods Beck*; A.B., Chicago, 1923. A Group of Political Scientists as Inventors. *Chicago*.
- Philip W. Buck*; A.B., Idaho, 1923. The Relations Between Political and Economic Thought. *California*.
- **Jesse Thomas Carpenter*; A.B., Duke, 1920; A.M., Iowa, 1925. Sectional Minorities and the Federal Constitution in the Ante-bellum South; A Study in Southern Political Thought. *Harvard*.
- H. L. Chao*. Changing Conceptions of Sovereignty. *Johns Hopkins*.
- Hyman E. Cohen*; Ph.B., Chicago, 1928. History of the Theory of Sovereignty since 1900. *Chicago*.
- Edward F. Dow*; S.B., Bowdoin, 1925; A.M., Harvard, 1926. The Present Value of the City State Ideal. *Harvard*.
- Clifford E. Garwick*; A.B., Ohio State, 1928; A.M., *ibid.*, 1929. Internationalism in American Political Theory. *Illinois*.
- Grace Givin*; A.B., Kansas, 1914; S.D., *ibid.*, 1916. Louise DeKoven Bowen as a Political Leader. *Chicago*.
- Mary Z. Johnson*; Ph.B., Chicago, 1924. Development of Democratic Theory since 1848. *Chicago*.
- James C. King*; Measurable Conditions Favorable to the Development of Nationality. *Chicago*.
- Marion W. Lewis*; A.B., Rockford, 1928. Jane Addams; A Study in Leadership. *Chicago*.
- Floyd L. Mulkey*; A.B., Baker, 1925. Recent Theories of Representative Government. *Chicago*.
- Frances Newborg*; A.B., Wellesley, 1927. Political Ideas in American Fiction. *Chicago*.
- Paul A. Palmer*; A.B., Bowdoin, 1927; A.M., Harvard, 1928. Concept of Public Opinion in the History of Political Thought. *Harvard*.
- Robert Phillips*; A.B., Albion, 1916; A.M., Michigan, 1917. The Place of the

¹ Similar lists have been printed in the *Review* as follows: IV, 420 (1910); V, 456 (1911); VI, 464 (1912); VII, 689 (1913); VIII, 488 (1914); XIV, 155 (1920); XVI, 497 (1922); XIX, 171 (1925); XX, 660 (1926); XXI, 645 (1927); XXII, 736 (1928); XXIII, 795 (1929).

Asterisks indicate dissertations completed during the current year.

- Party in American Political Theory. *Michigan*.
- Lawrence Preuss; A.B., Michigan, 1927; A.M., *ibid.*, 1929. The Theoretical Basis of Diplomatic Immunities. *Michigan*.
- *Irma H. Reed; A.B., Radcliffe, 1924. The Political Theory of the Enlightened Despots. *Radcliffe*.
- Pearl Robertson; Ph.B., Chicago, 1923; A.M., *ibid.*, 1925. Grover Cleveland as a Political Leader. *Chicago*.
- Helen M. Rocca; A.B., California, 1919; A.M., *ibid.*, 1921. The Political Ideas of Benjamin Disraeli. *Columbia*.
- Anna Elizabeth Roth; Ph.B., Syracuse, 1909; A.M., Radcliffe, 1926. Virtual Representation. *Radcliffe*.
- Elmer E. Schattschneider; A.B., Wisconsin, 1915; A.M., Pittsburgh, 1927. The Economic Basis of the Changing Democratic Attitude Toward the Tariff. *Columbia*.
- Robert C. Stevenson; A.B., Occidental, 1925; A.M., Columbia, 1926. Theories of War and Peace. *California*.
- Ruth E. Wright; A.B., Middlebury, 1923; A.M., Vermont, 1929. The Nationalism of Alexander Hamilton and of Theodore Roosevelt; a Comparative Study. *Columbia*.

UNITED STATES GOVERNMENT AND POLITICS AND CONSTITUTIONAL LAW

- Norman Alexander; A.B., North Dakota, 1919; A.M., *ibid.*, 1920. Rights of Aliens under the Federal Constitution. *Columbia*.
- F. E. Ballard; A.B., Millsap, 1924; A.M., Vanderbilt, 1926. Political Theory in the Supreme Court Opinions of John Marshall. *Iowa*.
- R. R. Barlow; A.M., Illinois, 1929. The Problem of Public Information in the National Government. *Illinois*.
- George C. S. Benson; A.B., Pomona, 1928; A.M., Illinois, 1929; Political and Governmental Aspects of Colorado River Development. *Harvard*.
- Eleanor Bontecou; A.B., Bryn Mawr, 1913; J.D., New York University, 1917. The Rule-Making Power and Federal Legislation. *Radcliffe*.
- M. E. Brake; Ph.B., Chicago, 1920; J.D., *ibid.*, 1920. Criminal Law Enforcement by Injunction under Federal Legislation. *Chicago*.
- Paul Herman Buck; A.B., Ohio State, 1921; A.M., *ibid.*, 1922. Party Divisions in the Van Buren and Tyler Administrations. *Harvard*.
- *Lula Cain; A.B., Illinois, 1922; A.M., Chicago, 1924. Minor Wars and Interventions of the United States. *Chicago*.
- Keith Clark; Ph.B., Hamline, 1898; A.M., Minnesota, 1922. The United States and International Unions. *Columbia*.
- Lawrence Cramer; A.B., Wisconsin, 1923; A.M., Columbia, 1926. Advisory Committees in Relation to Federal Administration. *Columbia*.
- Royden Dangerfield; S.B., Brigham Young, 1925. The Senate's Influence on the Foreign Relations of the United States. *Chicago*.
- Charles Edwin Davis; A.B., Texas, 1928; A.M., *ibid.*, 1929. The President's Conception of the Legislative Powers of the President's Office. *Yale*.

- Thomas C. Donnelly*; Party Leadership in the United States Senate. *New York University*.
- **Donald M. DuShane*; A.B., Wabash, 1927; A.M., Columbia, 1930. American Naval Policy. *Columbia*.
- **Hugh L. Elsbree*; A.B., Harvard, 1925; A.M., *ibid.*, 1929. The Regulation of Interstate Commerce in the Electric Power Industry. *Harvard*.
- Brooks Emeny*; A.B., Princeton, 1924. The Monroe Doctrine since the Great War. *Yale*.
- A. J. Fahy*. Powers of the Houses of Congress with Regard to Election, Exclusion, and Expulsion of Members. *Johns Hopkins*.
- H. Schuyler Foster*; S.B., Dartmouth, 1925. American Attitude toward the European War, 1914-1917. *Chicago*.
- Felipe Gamboa*; A.B., Oregon, 1926; A.M., *ibid.*, 1927. The Political Policy of the United States in the Philippines. *California*.
- Max Geller*; A.B., College of City of New York, 1919; LL.B., New York University, 1920; A.M., *ibid.*, 1927. Artificial Persons under the Constitution of the United States. *New York*.
- W. Brooke Graves*; A.B., Cornell University, 1921; A.M. Pennsylvania, 1923. The Personnel of National Authorities Regulating Business. *Pennsylvania*.
- Charles E. Haines*; A.B., Colorado; A.M., Columbia, 1927. The Supreme Court and the Anti-Trust Acts. *Harvard*.
- William M. Hargrave*; A.B., DePauw, 1928; A.M., Iowa, 1929. The Socialist Party and the American Party System. *Iowa*.
- Merrill J. Hewitt*; A.B., Cornell College, 1927. American Military Interventions in China. *Northwestern*.
- Laurence V. Howard*; A.B., Southern College, 1920. The Method of Settling International Controversies by the United States. *Chicago*.
- Peyton Hurt*; A.B., Idaho, 1926; A.M., California, 1929. The Know-Nothing Party. *California*.
- Arthur James*; A.B., Lebanon, 1911; A.M., Cincinnati, 1913; B.D., Yale, 1915. American Rule in Porto Rico. *Columbia*.
- Grace Johnson*; A.B., Wells, 1919; A.M., George Washington, 1923. The Annexation of Hawaii. *American University*.
- Howard P. Jones*; B. Litt., Columbia, 1921. Contempt of Court and the Freedom of the Press. *Columbia*.
- Joseph Kise*; A.B., St. Olaf, 1916; A.M., Harvard, 1928. The Constitutional Doctrines of Harlan F. Stone. *Harvard*.
- John D. Larkin*; A.B., Berea, 1923; A.M., Chicago, 1925. The Administration of the Flexible Tariff. *Harvard*.
- Joseph T. Law*; A.B., Drury, 1915; A.M., Wisconsin, 1921. Constitutional Limitations on the Delegation of Legislative Power. *Wisconsin*.
- Albert Lepausky*; Ph.B., Chicago, 1927. Courts in the Metropolitan Region of Chicago. *Chicago*.
- Raymond Leydig*; A.B., Kansas, 1925; A.M., Columbia, 1928. Federal Control of Radio. *Columbia*.

- Nelson Bernard Lisansky*; A.B., Johns Hopkins, 1927. The Development of Law of Searches and Seizures. *Johns Hopkins*.
- Stuart Alexander MacCorkle*; A.B., Washington and Lee, 1925; A.M., Virginia, 1928. Our Recognition Policy toward Mexico. *Johns Hopkins*.
- Vera MacLaren*; A.B., Southern California, 1924; A.M., Northwestern, 1929. The Doctrine of Public Interest. *Northwestern*.
- Evalyn Armistead Maurer*; A.B., Northwestern, 1927; A.M., *ibid.*, 1928. Governmental Regulation of the Interstate Distribution of Public Utility Products. *Northwestern*.
- James D. McGill*; A.B., Oberlin, 1920; A.M., *ibid.*, 1922. Religious Liberty and Equality in American Constitutional Law. *Cornell*.
- Lionel V. Murphy*; A.B., Oklahoma, 1926; A.M., *ibid.*, 1929. The Republican Party in the South. *Illinois*.
- James R. Pennook*; A.B., Swarthmore, 1927; A.M., Harvard, 1928. Regionalism in American National Government. *Harvard*.
- **Ernest R. Perkins*; A.B., Wesleyan, 1917; A.M., Clark, 1921. The Development of the Colonial Policies of the United States. *Clark*.
- S. Lyle Post*; A.B., University of California at Los Angeles, 1925. Methods of Coördination in American National Administration. *California*.
- Rex M. Potterf*; A.B., Indiana, 1918; A.M., Columbia, 1923, and Indiana, 1926. The Treaty of Versailles before the United States Senate. *Wisconsin*.
- Charles Percy Powell*; A.B., North Carolina, 1923; A.M., *ibid.*, 1925. Treatment of Alien Enemy Property in the Hands of the Custodian during the World War. *Johns Hopkins*.
- Allen Thomas Price*; Ph.B., Denison, 1916; A.M., Chicago, 1922. The Influence of the American Missionary Movement on American Diplomacy in China. *Harvard*.
- Spencer Reed*; Ph.B., Lafayette, 1918; A.M., American, 1928. The Federalist Party—1789-1823. *American University*.
- Helen R. Rosenberg*; A.B., California, 1923; A.M., *ibid.*, 1924. The Vice-President of the United States. *California*.
- Leon Sachs*. The Writ of Certiorari in Administrative Law. *Johns Hopkins*.
- Wallace Sayre*. Robert M. LaFollette—A Study in Political Leadership. *New York University*.
- Carroll K. Shaw*; A.B., Oberlin, 1928; A.M., Syracuse, 1929. Administrative Areas as Used by the United States Government. *Illinois*.
- Maz A. Shepard*; A.B., Ohio State, 1927; A.M., Harvard, 1928. The Development of the Idea of the Fundamental Law of the Constitution. *Harvard*.
- George A. Shipman*; A.B., Wesleyan, 1925; A.M., *ibid.*, 1926. The Constitutional Doctrines of Justice Stephen J. Field. *Cornell*.
- Theodore Skinner*. Administrative Discretion as it Affects Constitutional Rights. *New York University*.
- Norman James Small*; A.B., Johns Hopkins, 1927. Some Presidential Interpretations of the Presidency. *Johns Hopkins*.
- **Ivan M. Stone*; A.B., Nebraska, 1923; A.M., Illinois, 1926. The Relations of Petroleum to American Foreign Policy. *Illinois*.

- Camden Strain*; A.B., Washburn, 1925; A.M., Wisconsin, 1926. Finality of Extra-Judicial Interpretation of Constitutional Questions. *Wisconsin*.
- I. H. Su*; A.B., Wisconsin, 1926; A.M., Columbia, 1927. The Make-up of American Cabinets. *Columbia*.
- Harold Taccher*; A.B., Illinois, 1925; A.M., *ibid.*, 1926. Industrialization and the Consular Service. *Illinois*.
- Stanley Trefl*; B.S., Northwestern, 1929. State Police Power and Interstate Commerce. *Northwestern*.
- **Eleanor Tupper*; A.B., Brown, 1926; A.M., Clark, 1927. American Sentiment toward Japan, 1904-1924. *Clark*.
- Fred Ames Weller*; A.B., State College of Washington, 1925; J.D., Stanford, 1929. Opposition Politics. *Stanford*.
- **Paak S. Wu*; A.B., Linghao University, Canton, 1926. The Federal Inspectorate. *Chicago*.

STATE AND LOCAL GOVERNMENT IN THE UNITED STATES

- John R. Abersold*; A.B., Pennsylvania, 1922; LL.B., *ibid.*, 1925; A.M., *ibid.*, 1929. Commercial Arbitration in Pennsylvania. *Pennsylvania*.
- Frederick L. Bird*; A.B., Lafayette, 1913; A.M., Columbia, 1921. Municipal Light and Power Plants in New York State. *Columbia*.
- **William L. Bradshaw*; S. B., Missouri, 1917; A.M., *ibid.*, 1924. The Missouri County Court: A Study of the Organization and Functions of the County Board of Supervisors in Missouri. *Iowa*.
- Dennis DeW. Brane*; A.B., Otterbein, 1921; A.M., Harvard, 1926; Ph.D., *ibid.*, 1930. Public Contracts and State Succession. *Harvard*.
- Helen Breese*; A.B., Bucknell, 1927; A.M., *ibid.*, 1928. Public Service Commissions; The Attachment of Jurisdiction. *Syracuse*.
- Helen Elizabeth Brennan*; A.B., Radcliffe, 1920; A.M., Bryn Mawr, 1921. The Development of Separate Departments of Government in Massachusetts, 1628-1780. *Radcliffe*.
- Roy Edward Brown*; S.B., Iowa State Teachers' College, 1923; A.M., Iowa, 1928. Organization and Administration of Fire Departments in Iowa. *Iowa*.
- **Daniel B. Carroll*; A.B., Illinois, 1915. The Unicameral Legislature of Vermont. *Wisconsin*.
- Keith Carter*; A.B., Randolph-Macon, 1907; A.M., Columbia, 1925. The Development of Criminal Law by Judicial Decision in Texas, 1890-1928. *Columbia*.
- J. Murdock Dawley*; A.B., Minnesota; LL.B., *ibid.*, A.M., *ibid.*, 1930. The Power of the Governor to Appoint and Remove State and Local Officers. *Minnesota*.
- Melvin G. de Chazeau*; A.B., Washington, 1924; A.M., *ibid.*, 1925; A.M., Harvard, 1927; Ph.D., *ibid.*, 1930. Some Chapters in the Regulation of the Electric Industry in Massachusetts. *Harvard*.
- Earl Howard De Long*; B.S., Northwestern, 1929; A.M., Northwestern, 1930. The State-wide Coördination of Police Authorities in the United States. *Northwestern*.
- **Louvy A. Doran*; A.B., Chicago, 1910; A.M., *ibid.*, 1917. The Party System in Maine. *Chicago*.

- Harold M. Door*; A.B., Michigan, 1923; A.M., *ibid.*, 1928. The Constitutional History of Michigan. *Michigan*.
- William H. Edwards*; A.B., Ohio State, 1923; A.M., *ibid.*, 1923. The Position of the Governor in Recent Administrative Reorganization in the States. *Ohio State*.
- John North Edy*; S.B., Missouri, 1925; A.M., California, 1926. Manual of Municipal Management. *Stanford*.
- Rowland A. Egger*; A.B., Southwestern, 1926; A.M., S.M.U., 1927. The Federated Region as a Solution of the Metropolitan Problem. *Michigan*.
- Lavinia Engle*; A.B., Antioch, 1912. County Government in Maryland. *Johns Hopkins*.
- James W. Errant*; S.B., Illinois, 1923. Public Employee Organizations in Chicago. *Chicago*.
- Russell Ewing*; A.B., Minnesota, 1923; A.M., Columbia, 1924. The Problem of Personnel under City Management. *Columbia*.
- Sonya Fortkal*; A.B., Wisconsin, 1922; A.M., *ibid.*, 1923. An Analysis of the Functions of Precinct Committeemen. *Chicago*.
- Plato Lee Gettys*; A.B., Oklahoma, 1919; A.M., *ibid.*, 1927. Torts and Liabilities of Cities. *Stanford*.
- **George A. Graham*; A.B., Monmouth, 1926; A.M., Illinois, 1927. Special Assessments in Detroit. *Illinois*.
- **Carl Green*; A.B., Eastern Illinois State Teachers' College, 1924; A.M., Illinois, 1925. School Legislation in Illinois and its Interpretation by the Courts. *Illinois*.
- Victor Hunt Harding*; LL.B., Syracuse, 1907; A.B., Stanford, 1925. Non-Voting in California. *Stanford*.
- Freeman H. Hart*; A.B., Washington and Lee, 1912; A.M., *ibid.*, 1917; A.M., Harvard, 1922. Federalism in Virginia, 1783-88, with Special Reference to the Valley. *Harvard*.
- Randolph O. Huns*; A.B., St. Olaf's, 1916; A.M., Columbia, 1924. Municipal Playgrounds. *Syracuse*.
- Rex U. Johnson*. The Civil Service of the State of Ohio. *Ohio State*.
- Violet V. Johnson*; A.B., Hamline, 1928; A.M., Minnesota, 1929. Occupational Opportunities for College and Professional School Graduates in the Public Service. *Minnesota*.
- Harley Walter Kidder*; A.B., Illinois, 1929; A.M., *ibid.*, 1929. The Prohibition Party of Vermont: A Study in Quantitative Analysis and Interpretation. *Illinois*.
- J. Donald Kingsley*. Legislative Appointment in New York. *Syracuse*.
- W. Rolland Maddox*; A.B., Ohio Wesleyan, 1923; A.M., Cincinnati, 1924. Municipal Home Rule in Ohio; an Evaluation. *Michigan*.
- **John W. Manning*; A.B., Georgetown College, 1921; A.M., Missouri, 1926. City Planning, Zoning, and Beautifying in Iowa. *Iowa*.
- Roscoe C. Martin*; A.B., Texas, 1924; A.M., *ibid.*, 1925. The Populist Movement in Texas. *Chicago*.

- Charles E. Martz*; A.B., Yale, 1915; A.M., *ibid.*, 1917. Ohio Politics from 1876 to 1900. *Harvard*.
- **David M. Maynard*; S.B., Princeton, 1922; A.M., Columbia, 1925. Operation of the Referendum in Chicago. *Chicago*.
- George H. McCaffrey*; A.B., Harvard, 1912; A.M., *ibid.*, 1913. The Government of Metropolitan Boston. *Harvard*.
- Joseph McGoldrick*; A.B., Columbia, 1923; A.M., *ibid.*, 1923. Municipal Home Rule, 1916-1928. *Columbia*.
- C. McKensie*; A.B., Dartmouth, 1920; A.M., Columbia, 1921. The New Hampshire Town. *Columbia*.
- Blake E. Nicholson*; LL.B., George Washington, 1923; LL.M., *ibid.*, 1925; B.S., Pennsylvania, 1926. The Collection of Local Taxes in Pennsylvania. *Pennsylvania*.
- Spencer D. Parratt*; A.B., Utah, 1924. Organization of Governments in the Regional Area of Chicago. *Chicago*.
- **Joseph Pois*; A.B., Wisconsin, 1926; A.M., Chicago, 1927. The Recruitment of Police. *Chicago*.
- Leland Pritchard*. Highway Administration in New York. *Syracuse*.
- Charles James Rohr*. The Executive and the Administration of the Maryland State Government. *Johns Hopkins*.
- Burton F. Scott*; A.B., Washington, 1919. History of Police in Chicago. *Chicago*.
- Carlton C. Sims*; S.B., Peabody, 1917; A.M., *ibid.*, 1922. The Tennessee County. *Chicago*.
- Royal S. Steiner*; A.B., Beloit, 1915; A.M., Harvard, 1921. State Control of Local Finance in Massachusetts. *Harvard*.
- Edwin O. Stene*; A.M., Minnesota, 1924; A.M., *ibid.*, 1929. Provisions for Public Employees Disabled in the Course of Duty, and for Their Dependents in Case of Death. *Minnesota*.
- Hubert Stone*; A.B., DePauw, 1925. Town Government in New York State. *Columbia*.
- K. P. Vinsel*; A.B., Grinnell, 1921; A.M., Mississippi, 1927. Legal Aspects of Municipal Corporations in Mississippi. *Iowa*.
- Earl E. Warner*. The Activities of Citizen Organizations in the State Administration of Ohio. *Ohio State*.
- John P. Wright*; S.B., Alabama Polytechnic Institute, 1922. The Workings of the Quadrennial Legislative System in the State of Alabama. *Harvard*.
- Martha Jean Ziegler*; A.B., Illinois, 1928; A.M., Illinois, 1929. State Investigating Commissions in Illinois Since 1900: Their Procedure and Legislative Influence. *Northwestern*.

FOREIGN AND COMPARATIVE GOVERNMENT

- Morley J. Ayearst*; A.B., University of Toronto, 1921; A.M., *ibid.*, 1923. Le Parti Rouge in Quebec Province. *Princeton*.
- Eric A. Beecroft*; A.B., Toronto, 1925; A.M., *ibid.*, 1927. The Court of Conciliation and Arbitration in Australia. *Yale*.

- E. C. Bellquist*; A.B., California, 1927; A.M., *ibid.*, 1928. The Development of Parliamentary Government in Sweden. *California*.
- Catherine Evangeline Boyd*; A.M., Radcliffe, 1926; A.M., *ibid.*, 1929. The Development of the Ordonnance Royale in France to the End of the 16th Century. *Radcliffe*.
- Chun-Ming Chang*; A.B., Illinois, 1926; A.M., *ibid.*, 1927. The Rôle of the United States House of Representatives in Foreign Policy. *Yale*.
- Daniel S. K. Chang*; A.B., St. John's University, 1917; A.M., Columbia, 1921. Parliament and British Policy Toward China. *Columbia*.
- Duckso Chang*; A.B., Waseda, Japan, 1916; A.M., Columbia, 1925. Methods of Promoting Industrial Peace in Great Britain. *Columbia*.
- Seymour C. Y. Cheng*; A.B., Peking University, 1917; A.M., Columbia, 1921. Schemes for British Imperial Federation. *Columbia*.
- Yuan-Chen Cheo*; A.B., San José State Teachers' College, 1928; A.M., Stanford, 1929. A proposed Form of a Mayor-Council-Manager Government in Kinkiang, Kiangsi, China. *Stanford*.
- Gerda Richards Crosby*; A.B., Smith, 1922; A.M., Radcliffe, 1923. The Transformation of the Tory Party after 1780. *Radcliffe*.
- **Hartley W. Cross*; A.B., Springfield, 1923; A.M., Clark, 1924. The Status of the British Dominions. *Clark*.
- E. DeHass*; A.B., Hunter, 1923, A.M., Columbia, 1925. The Bail System in England. *Columbia*.
- A. E. Elliott*; A.B., Drake, 1915; A.M., College of Missions. Latin American Attitude toward the Pan-American Union. *Columbia*.
- Margaret Bonin Fox*; A.B., Michigan, 1925. The Development and Use of Questions in the House of Commons. *Michigan*.
- Virginia Elizabeth Fox*; A.B., Stanford, 1927; A.M., *ibid.*, 1928. Origins of the Third Internationale. *Stanford*.
- Sooren Frankian*; A.B., California, 1924; A.M., *ibid.*, 1926. British Foreign Policies and the League of Nations. *California*.
- Frederic W. Ganzert*; A.B., California, 1926; A.M., *ibid.*, 1927. Brazil and the Pacific Settlement of International Disputes. *California*.
- C. Grove Haines*; A.B., Ursinus College, 1927; A.M., Clark, 1928. Italian Irredentism. *Clark*.
- Paul Heaton*; A.B., Minnesota, 1924; A.M., *ibid.*, 1925. Extraterritoriality in China. *Chicago*.
- Sylvester Hemleben*; A.B., Iowa, 1927; A.M., *ibid.*, 1928. The British Dominions in the League of Nations. *Columbia*.
- Charles Roger Hicks*; A.B., Clark, 1915; A.M., Stanford, 1922. The History of Foreign Interests in the Shantung and Liaotung Peninsulas. *Clark*.
- **Yung-Chi Hoe*; A.B., Beloit, 1926; A.M., Harvard, 1927. Mixed Monarchy: A Study of Political Thought from the Mid-Sixteenth to the Mid-Seventeenth Century, Chiefly in France and England. *Harvard*.
- Pendleton Howard*; A.B., Columbia, 1921; A.M., *ibid.*, 1924. Public Prosecution in England. *Columbia*.

- Lucretia L. Ilsley*; A.B., Mt. Holyoke, 1928; A.M., Illinois, 1929. The Administration of Mandates by the British Dominions. *Illinois*.
- William Crane Johnstone, Jr.*; A.B., Denver, 1924; A.M., *ibid.*, 1927. Administration of the International Settlement of Shanghai, China. *Stanford*.
- Margaret A. Judson*; A.B., Mount Holyoke, 1922; A.M., Radcliffe, 1923. The Growth of the Theory of Parliamentary Sovereignty in England between 1640 and 1660. *Radcliffe*.
- Nicholas Kaltchas*; A.B., Robert College (Constantinople), 1914. The Greek Constitution of 1927. *Columbia*.
- **Grayson L. Kirk*; A.B., Miami, 1924; A.M., Clark, 1925. An Analysis of French Policy in Alsace-Lorraine since 1919. *Wisconsin*.
- K. P. Kirkwood*; A.B., Toronto, 1922; A.M., Columbia, 1927. The Solution of the Minority Problem in Turkey. *Columbia*.
- John D. Lewis*; A.B., Oberlin, 1928; A.M., Wisconsin, 1929. The Doctrine of State Immunity from Suit in English and American Law. *Wisconsin*.
- C. W. Liang*. Federal Government and China. *Johns Hopkins*.
- Chuang Liu*; Ph.B., Chicago, 1920. The Chinese Civil Service. *Chicago*.
- W. H. Ma*; A.B., Nanking, 1924. American Policy Toward China as Shown in the Debates of the United States Congress. *Columbia*.
- Mary Mangigian*; A.B., Pennsylvania, 1927; A.M., *ibid.*, 1929. The Rise of the Armenian Republic. *Pennsylvania*.
- Ethel Marie Manning*; A.B., California, 1920; A.M., Southern California, 1926. Britannie Citizenship. *Stanford*.
- S. McCordock*; A.B., Syracuse, 1918; A.M., Buffalo, 1926. British Policy in the Far East. *Columbia*.
- Hucheshaw G. Mudgal*; A.M., Columbia, 1928. Political Parties in India; a Study in Contrasts. *Columbia*.
- Pargat S. Muhar*; A.B., California, 1925; A.M., *ibid.*, 1926. Contemporary Political Thought in India. *Harvard*.
- Marjorie Owen*; A.B., Oxford, 1926; B.C.L., *ibid.*, 1927. Prize Law Procedure. *Columbia*.
- Robert T. Pollard*; A.B., Ohio State, 1922; A.M., *ibid.*, 1923. Some Aspects of China's Foreign Relations, with Particular Reference to the Revision of her Treaties since 1918. *Minnesota*.
- R. W. Rogers*; A.B., Pacific, 1922; A.M., Columbia, 1926. Mediterranean Policy of Italy, 1920-1927. *Columbia*.
- **Joseph R. Starr*; A.B., Nebraska, 1925; A.M., Minnesota, 1927. The Development of Forms of Communication between the Two Houses of the English Parliament. *Minnesota*.
- Harold W. Stoke*; A.B., Marion; A.M., Southern California. The Foreign Relations of Federal States. *Johns Hopkins*.
- Masao Matsumoto Suma*; A.B., Stanford, 1927; A.M., *ibid.*, 1928. Administration of Governmental Finances in Japan. *Stanford*.
- Sterling H. Takeuchi*; A.B., Texas, 1925; A.M., *ibid.*, 1926. Control of Foreign Relations in Japan. *Chicago*.

- Edgar C. Tang*; A.B., Boone (China), 1922; J.B., Missouri, 1926; A.M., *ibid.*, 1927. The Theory and Practice of the Yu-Sze System in China. *Harvard*.
- **C. C. Tien*; A.B., Peking National University, 1923; A.M., Illinois, 1927. State Supervision over Municipal Finance in England and the United States. *Illinois*.
- Edgar C. Tong*; A.B., Boone (China), 1922; A.M., Missouri, 1927. Constitutional Development of China. *Columbia*.
- Felix Vondracek*; A.B., Iowa, 1923; A.M., *ibid.*, 1924. The Foreign Policy of Czechoslovakia. *Columbia*.
- Shih Fu Wang*; A.B., Wisconsin, 1926; A.M., *ibid.*, 1926. Turkey in World Politics, 1914-1924. *Wisconsin*.
- William C. White*; A.B., Princeton, 1923; A.M., Pennsylvania, 1925. The Government of Soviet Russia. *Pennsylvania*.
- H. C. Wu*; Ph.B., Wisconsin, 1926; A.M., Columbia, 1927. Whips in the British House of Commons. *Columbia*.

INTERNATIONAL ORGANIZATION AND POLITICS AND INTERNATIONAL LAW

- Ruth Elizabeth Bacon*; A.B., Radcliffe, 1928. British and American Policy Toward the Regulation of Rivers of International Concern. *Radcliffe*.
- Willard Barber*; A.B., Leland Stanford, 1928; A.M., *ibid.*, 1929. Spain in the League of Nations. *Columbia*.
- Dennis William Brogan*; A.M., Glasgow, 1922. International Aspects of Irish Nationalism. *Harvard*.
- Claude A. Buss*; A.B., Grove City, 1924. Tariff Autonomy in China. *Pennsylvania*.
- C. Joseph Chacko*; A.B., S.P.G. College Trichinopoly (Madras University), 1923; A.M., Columbia, 1927. International Waterways, with Special Reference to the International Joint Commission and the River St. Lawrence. *Columbia*.
- Chung-Fu Chang*; A.B., Michigan, 1925; A.M., Harvard, 1927. The Anglo-Japanese Alliance. *Johns Hopkins*.
- Lots A. Childs*; A.B., Wellesley, 1922; A.M., Columbia, 1925. The Cape-to-Cairo Railway. *Columbia*.
- P. C. Chu*; Nan Woo College, China, 1915. Title to Territory under International Law. *Chicago*.
- **Guy Shirk Claire*; A.B., Southern California, 1923; A.M., Pennsylvania, 1928; LL.B., *ibid.*, 1926. Rights and Duties of States under International Law (South America). *Stanford*.
- Helen May Cory*; A.B., Northwestern, 1925; A.M., *ibid.*, 1927. Compulsory Arbitration. *Columbia*.
- **William Fred Cottrell*; A.B., Occidental, 1925; A.M., Stanford, 1929. The Work of the League of Nations for the Facilitation of Communications and Transit. *Stanford*.
- Athern P. Daggett*; A.B., Bowdoin, 1925; A.M., Harvard, 1928. International Regulation of the Use of the Products of the Sea. *Harvard*.
- Franklin Daines*. The Rhineland Policy of France. *California*.
- Lora Lucile Deere*; A.B., Illinois, 1927; A.M., *ibid.*, 1928. Political Offenses in the Practice of Extradition. *Radcliffe*.

- Feng Djen Djang*; A.B., Shanghai, 1927. The Diplomatic Relations between China and Germany since 1898. *Johns Hopkins*.
- Annie Mae Engel*; A.M., Texas, 1927; A.M., *ibid.*, 1928. Rubber as a Factor in International Relations. *Columbia*.
- Alexander Ginsberg*; A.B., Cornell, 1926. The Effect of Treaties upon States not Parties Thereto. *Columbia*.
- E. Gomborov*. Visit and Search in Time of Peace. *Johns Hopkins*.
- Welles A. Gray*; A.B., Minnesota, 1923; A.M., *ibid.*, 1924. The International Sanction. *Harvard*.
- C. W. Hallberg*; S.B., Trinity, 1923; A.M., Columbia, 1924. The Suez Canal. *Columbia*.
- Frederic W. Heimberger*. America's Tradition of Isolation and Practice of Participation in International Relations. *Ohio State*.
- John G. Herndon*; A.B., Washington and Lee, 1910; A.M., *ibid.*, 1912. International Reciprocity in Income Taxation. *Pennsylvania*.
- Albert E. Hindmarsh*; A.B., Washington, 1926; A.M., Harvard, 1927. Reprisals in International Law. *Harvard*.
- Lirren J. Hsiang*; A.B., Wisconsin, 1929; A.M., Wisconsin, 1930. The British Labor Party and the League of Nations. *Wisconsin*.
- Tun C. Hsu*; A.B., Wisconsin, 1928; A.M., *ibid.*, 1929. The Council of the League of Nations. *Wisconsin*.
- Hoen Zoe Hu*; A.B., Fuh-Tan, 1925; LL.B., Comparative Law School (China), 1926; A.M., Columbia, 1927. Treaty Revision Under the Covenant. *Columbia*.
- Po-Wen Huang*; A.B., Harvard, 1916; A.M., Columbia, 1928. Foreign Tariff Control of Debtor Countries. *Columbia*.
- Irby Hudson*; A.B., Vanderbilt, 1906; A.M., *ibid.*, 1911. Free Tolls at Panama. *Columbia*.
- Warren H. Kelchner*; S.B., Pennsylvania, 1924. The Relations of Latin America to the League of Nations. *Pennsylvania*.
- Perry Laukhuff*; A.B., Otterbein, 1927; A.M., Harvard, 1928. The Central American Court of Justice, 1907-1918. *Harvard*.
- W. K. Lee*. Tibet in Twentieth Century World Politics. *Columbia*.
- J. A. Levandis*; S.B., Delaware, 1921; A.M., Columbia, 1922. International Financial Control of Greece. *Columbia*.
- Ngo Chiang Lin*. The International Status of Tibet. *Chicago*.
- **Rob Roy MacGregor*; A.B., S.M.U., 1924; A.M., Clark, 1926. The Treaty of 1846: Seventeen Years of American-Columbian Relations (1830-1846). *Clark*.
- Ruth D. Masters*; A.M., Columbia, 1929. Enforcement of International Law in the Courts of Germany, France, Belgium, and Switzerland. *Columbia*.
- Jules O. Malfroy*; LL.B., New Zealand, 1924; LL.M., *ibid.*, 1925; LL.B., Cambridge, 1928. International Law and Relations In and Around the Pacific Ocean. *Columbia*.
- Mary Mangigian*; B.S., Pennsylvania, 1927; A.M., *ibid.*, 1929. The Status of Armenia in International Law. *Pennsylvania*.
- Harvey C. Mansfield*; A. B., Cornell, 1927; A.M., *ibid.*, 1928. The Lake Cargo Controversy. *Columbia*.

- W. Mauck*; A.B., Hillsdale, 1921; A.M., Columbia, 1927. The International Régime of the Saar Basin. *Columbia*.
- Ralph J. Moore*; A.B., Minnesota, 1929; LL.B., *ibid.*, 1928; A.M., *ibid.*, 1929. Prize Law in Municipal Law and in International Law. *Minnesota*.
- Ernest K. Moriwake*; A.B., Harvard, 1926; A.M., *ibid.*, 1927. Relation of Peace Treaties to Pre-existing Treaties. *Harvard*.
- G. Noble*; A.B., Oxford, 1915; A.M., *ibid.*, 1923. French Opinion and American Policy at the Peace Conference, 1919. *Columbia*.
- **Norman Judson Padelford*; Ph.B., Denison, 1925; A.M., Harvard, 1928. The Legal Status of Alien Religious Property Situated in China. *Harvard*.
- Ralph E. Page*; A.B., Bluffton, 1926; A.M., Syracuse, 1928. Reciprocity Laws and Agreements. *Syracuse*.
- Yoo-Hsiang Peng*; S.B., Miami, 1921; A.M., Columbia, 1922. Relations between China and France. *Columbia*.
- Eleanor Poland*; A.B., Radcliffe, 1923; A.M., *ibid.*, 1926. Diplomatic Negotiations Concerning Canadian-American Reciprocity, 1871-1911. *Radcliffe*.
- Helen Louise Reid*; A.B., Vassar, 1922; A.M., Radcliffe, 1924. Servitudes in International Law; Theory and Practice. *Radcliffe*.
- D. V. Sandifer*; A.B., Eureka College, 1924; A.M., Columbia, 1928. The History and Organization of the Pan American Union. *Columbia*.
- Giovanni Schiavo*; A.B., Johns Hopkins, 1919. The Triple Alliance. *Columbia*.
- Sanford Schwarz*; A.B., College of City of New York, 1924; A.M., Columbia, 1925. Questions Relating to Private Property under the Peace Treaties of 1919 and 1920. *Columbia*.
- John F. Shreiner*; A.B., Oberlin, 1917; A.M., Williams, 1922. International Regulation of Finance. *Wisconsin*.
- M. S. Spaulding*. Ten Years of Treaty-making in the United States. *Johns Hopkins*.
- N. Soosa*. The Capitulatory Régime of Turkey. *Johns Hopkins*.
- **Ralph H. Stimson*; A.B., Ohio State, 1921; A.M., Harvard, 1924. Control of the Manufacture of Armament. *Illinois*.
- Thomas Leland Stock*; A.B., Stanford, 1927. Membership in the League of Nations. *Stanford*.
- William M. Strachan*; A.B., Michigan, 1912; LL.B., *ibid.*, 1915; A.M., *ibid.*, 1923. Radio Communication; a Problem in Domestic and International Jurisdiction and Legislation. *Michigan*.
- Timothy A. Taracous-Taracouzio*; A.M., Southern California, 1927; A.M., Harvard, 1928. International Law in the Light of Communistic Theory and Practice of the U.S.S.R. *Harvard*.
- Dorothy Trautwein*; A.B., Radcliffe, 1929; A.M., Columbia, 1930. The Law of Submarine Warfare. *Columbia*.
- Clifton Utley*; Ph.B., Chicago, 1926. Strategic Background of Modern War. *Chicago*.
- Payson Sibley Wild*; A.B., Wisconsin, 1926; A.M., Harvard, 1927. Sanctions in International Law. *Harvard*.

- Eleanor Wooley*; A.B., Bryn Mawr, 1927. *Revolutions and the Theory of United States Control in Central America. Columbia.*
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- Chan S. Young*; A.B., Nanking, 1926; A.M., Missouri, 1927. *International Conferences as an Agency of Codification and Development of International Law. Indiana.*
- Susanna W. P. Zwemer*; A.B., Columbia, 1919; A.M., Northwestern, 1927. *African Mandates of the League of Nations. Northwestern.*

GOVERNMENT AND SOCIAL PROBLEMS

- Ruth Whitney Barrett*; A.B., Radcliffe, 1923; A.M., California, 1924. *The Administration of Labor Laws Protecting Women and Children in Massachusetts. Radcliffe.*
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- Kenneth C. Cole*; B. Litt., Oxford (England), 1924. *Some Aspects of the Motion Picture Problem: A Study in the Inventory and Classification of Interests. Harvard.*
- Harold R. Enslow*; A.B., Kansas, 1926; A.M., Illinois, 1927. *Import Taxes on Agricultural Products. Pennsylvania.*
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- Elma Greenwood*. *Fields of Endeavor for Women in Civic and Political Organizations. Syracuse.*
- Reuel G. Hemdahl*; A.B., Augustana, 1925. *Scandinavians in the Party System of Illinois and the Northwest. Chicago.*
- Edward M. Martin*; A.B., Oberlin, 1916. *The Rôle of the Chicago Bar Association in Judicial Elections. Chicago.*
- Wayne B. Morse*; Ph.B., Wisconsin, 1923; A.M., *ibid.*, 1924; LL.B., Minnesota, 1928. *Legal Aspects of Mental Responsibility. Columbia.*
- Charles P. O'Donnell*; A.B., DePaul, 1926. *Catholic Participation in Politics. Chicago.*
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- John F. Thompson*; A.B., Pomona, 1927; A.M., Harvard, 1928. *The Informal Aspects of the Enactment and Enforcement of Women's "Hours of Labor" Laws in New York State. Harvard.*
- W. E. Waltz*; A.B., Missouri State College, 1924; A.M., University of Missouri, 1927. *The Nationality of Married Women. Illinois.*
- W. Valdo Weber*; A.B., Iowa, 1928; A.M., *ibid.*, 1929. *Prediction of Parole Success. Iowa.*
- Bradford W. West*; A.B., Amherst, 1923; A.M., California, 1925. *Major Financial Problems in the Public Care of the Insane; a Study in Public Finance. Pennsylvania.*

RECENT PUBLICATIONS OF POLITICAL INTEREST BOOKS AND PERIODICALS

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AMERICAN GOVERNMENT AND PUBLIC LAW

Books

Barnes, Irston R. Public utility control in Massachusetts. Pp. 249. New Haven: Yale Univ. Press.

Barnes, Mary Clark. How came our constitution? N. Y.: Revell.

Beale, Howard K. The critical year: a study of Andrew Johnson and reconstruction. Pp. 463. N. Y.: Harcourt, Brace.

Beyer, Clara M., and Smith, Florence P. History of labor legislation for women in three states, and chronological development of labor legislation for women in the United States. (Labor Dept., Women's Bureau, Bull. 66). Pp. 296. Washington: Govt. Printing Office.

Corbin, John. The unknown Washington. N. Y.: Scribner's.

Creer, Leland Hargrave. Utah and the nation. (Publications of the University of Washington in Social Sciences.) Pp. x+276. Seattle: Univ. of Wash. Press.

Day, John Percival. An introduction to the money and banking system of the United States. Pp. 120. N. Y.: Macmillan.

Field, Oliver P. Cases on constitutional law. Chicago: Callaghan & Co.

Fisher, Irving, and Brougham, Herbert B. The "noble experiment". Pp. 536. N. Y.: Alcohol Information Com.

Frank, Arthur DeWitt. The development of the federal program of flood control on the Mississippi river. (Columbia Univ. Studies.) Pp. 269. N. Y.: Columbia Univ. Press.

Garner, James Wilford, and Capen, Louise Irving. Our government: its nature, structure, and functions. Pp. 672. N. Y.: Am. Book Co.

Gordon, Armistead C. George Mason: a political biography. Durham (N. C.): Duke Univ. Press.

Hart, James. Tenure of office under the constitution: a study in law and public policy. (Johns Hopkins Univ. Studies.) Pp. 333. Baltimore: Johns Hopkins Press.

High, Stanley. The church in politics. Pp. 276. N. Y.: Harper's.

Hiscock, Ira V. Health and welfare activities in Honolulu. Pp. 160. Am. Pub. Health Assoc.

Hubbard, F. Morse. Federal income tax laws. Pp. xxxv+3281. N. Y.: Baker, Voorhis & Co.

Jones, F. Robertson, comp. Digest of workmen's compensation laws in the United States and territories, with annotations. Pp. 560. N. Y.: Ass'n of Casualty & Surety Executives.

Lampen, Dorothy. Economic and social aspects of federal reclamation. (Johns Hopkins Univ. Studies.) Pp. 125. Baltimore: Johns Hopkins Press.

McLaughlin, Henry W., ed. The country church and public affairs. N. Y.: Macmillan.

Moon, Parker Thomas, ed. Public control of power. Pp. xi+210. Proc. Acad. Pol. Sci. May, 1930.

Morris, Victor P. Oregon's experience with minimum wage legislation. (Columbia Univ. Studies.) Pp. 236. N. Y.: Columbia Univ. Press.

Moschzisker, Robert von. Trial by jury: a brief review of its origin, development, and merits. Pp. 501. Philadelphia: Geo. T. Bissel Co.

Nelson, Lester E. Federal liquor laws. Chicago: Callaghan & Co.

Painter, Floy Ruth. That man Debs and his life work. Bloomington (Ind.): Ind. Univ.

Roberts, Charles A. Manual to United States board of tax appeals reports. Pp. xviii+1097. N. Y.: Harper's.

Sanders, Jennings Bryan. The presidency of the continental congress, 1774-1789: a study in American institutional history. Decatur (Ga.): Dennis Lindsey Printing Co.

Schafer, Joseph. Carl Schurz, militant liberal. Pp. 291. Madison (Wis.): State Hist. Soc. of Wis.

Schiavo, Giovanni E. The Italians in Missouri. N. Y.: Italian-Am. Pub. Co.

Shannon, A. H. The negro in Washington: a study in race amalgamation. N. Y.: Walter Neale.

Shurter, Edwin Du Bois. American government and citizenship. Pp. 384. Philadelphia: Lippincott.

Simpson, Herbert D. The tax situation in Illinois. Pp. 104. Chicago: Institute for Research in Land Economics and Public Utilities, Northwestern Univ.

Spitzer, Ph. Quinze années de politique américaine (1913-1928). Pp. 258. Paris: Boccard.

Stewart, Frank M., and *Clark, Joseph L.* The constitution and government of Texas. Pp. 268. N. Y.: D. C. Heath.

Studensky, Paul. Public borrowing. N. Y.: Nat. Mun. League.

Taylor, Horace, and *McGoldrick, Joseph*, eds. Readings in contemporary problems. 2 vols. Pp. 419, 839. N. Y.: Columbia Univ. Press.

Warmoth, Henry Clay. War, politics, and reconstruction: stormy days in Louisiana. Pp. 298. N. Y.: Macmillan.

Warner, A. G., *Queen, S. A.*, and *Harper, E. B.* American charities and social work. N. Y.: Crowell.

Wiley, Harvey W. An autobiography. Pp. 339. Indianapolis: Bobbs-Merrill.

Yount, H. W., and *Sherburne, R. E.* The cost of government in Massachusetts, 1910-1926. Pp. 234. Amherst (Mass.): Mass. Agric. Experiment Station.

Articles

Administration. Developments in public administration, 1929. *Leonard D. White.* Am. Pol. Sci. Rev. May, 1930.

———. Power of the courts over administrative boards in Pennsylvania. *B. R. J., Jr.* Pa. Law Rev. Dec., 1929.

———. Conclusive administrative decisions. *H. Parker Sharp.* Ind. Law Jour. May, 1930.

Agricultural Relief. Hard times for farmers. I. The farm board and the farmers. *E. G. Nourse.* New Repub. Apr. 30, 1930.

———. The farm and factory conflict in American history. *J. Mark Jacobson.* Current Hist. May, 1930.

———. Agrarian legislation in the state of Mississippi. *A. B. Butts.* Miss. Law Jour. May, 1930.

———. The futility of farm relief. *Joseph Stagg Lawrence.* Harper's. May, 1930.

Amendment. Amendment of the federal constitution. Is the power conferred by Article V limited by the tenth amendment? *Henry W. Taft.* Va. Law Rev. May, 1930.

———. The United States constitution and state legislatures. *Orville S. Poland.* Current Hist. June, 1930.

———. The people should be consulted as to constitutional changes. *George Stewart Brown.* Am. Bar Assoc. Jour. June, 1930.

Aviation. Aviation law and the constitution. *Arthur L. Newman, II.* Yale Law Jour. June, 1930.

Budget. The executive budget decision in New York. *Finla G. Crawford.* Am. Pol. Sci. Rev. May, 1930.

Bus Regulation. Regulation of common carriers of passengers by bus. *J. Morgan Stevens.* The extent to which the Mississippi railroad commission may regulate and control the operation of busses. *Richard Capel Beckett.* Miss. Law Jour. May, 1930.

Business Control. The government in business. *T. Q. Ashburn.* Nation. June 18, 1930.

Cabinet. Secretary Hyde strikes a new "rabbit trail". Overalls in the cabinet? *Theodore G. Joslin.* World's Work. Apr., June, 1930.

———. The career of a statesman. *Marquis W. Childs.* Am. Mercury. May, 1930.

Censorship. Comstock stalks. *Ernest Sutherland Bates.* Scribner's. Apr., 1930.

———. Massachusetts and censorship. III. *S. S. Grant and S. E. Angoff.* Boston Univ. Law Rev. Apr., 1930.

———. Banned in Boston. *Robert T. Bushnell.* N. Am. Rev. May, 1930.

———. Power of state to enjoin publication of newspaper as public nuisance. *Note Editor.* Minn. Law Rev. June, 1930.

Census. Counting heads in the nation. *Oliver McKee, Jr.* N. Am. Rev. Apr., 1930.

Children's Bureau. The children's bureau. *Editor.* New Repub. Apr. 2, 1930.

Church and State. Preachers in politics. I. The modern prophet. *James Cannon, Jr.* II. God's proxies. *Heywood Brown.* Forum. May, 1930.

Citizenship. The citizenship of American women. *John L. Cable.* Atlan. M. May, 1930.

Communications. The communications problem. *G. F. Wisner, W. D. Terrell, Joseph B. Eastman, and Others.* Cong. Digest. Apr., 1930.

Communist Party. Communists and courts. *Editor.* New Repub. Apr. 30, 1930.

———. Atlanta's communists. *Walter Wilson.* Nation. June 25, 1930.

Compact. Mississippi's compact with Arkansas. *Ward Allen.* Miss. Law Jour. May, 1930.

Conservation. Oil and gas conservation. *Legislation Editor.* Harvard Law Rev. May, 1930.

Constitution. The world-wide influence of the United States constitution. *Josef Redlich.* Boston Univ. Law Rev. Apr., 1930.

———. Constitutionalism. *A. K. Rogers.* Int. Jour. Ethics. Apr., 1930.

Consular Service. The consular service of the republic of Texas. I. II. *Alma Howell Brown.* Southwestern Hist. Quar. Jan., Apr., 1930.

Coolidge. The enigma of Calvin Coolidge. *John Pell.* N. Am. Rev. May, 1930.

Diverse Citizenship. The jurisdiction of the federal courts based on diversity of citizenship. *Robert C. Brown.* Domestication of foreign corporations and jurisdiction of the federal courts based on diversity of citizenship. *D. B. K.* Pa. Law Rev. Dec., 1929; Feb., 1930.

Due Process. Natural law, due process, and economic pressure. *Margaret Spahr.* Am. Pol. Sci. Rev. May, 1930.

Eminent Domain. Property which cannot be reached by the power of eminent domain for a public use or purpose. *Milton Colvin.* Pa. Law Rev. Dec., 1929.

Evolution. Growth of the anti-evolution movement. *Maynard Shipley.* Current History. May, 1930.

Executive. The power of an executive to construe statutes pertaining to his department as a reason for denying mandamus. *W. N. M.* Pa. Law Rev. Jan., 1930.

———. Elective monarchy in America. *Hoffman Nickerson.* Am. Mercury. June, 1930.

Federal System. Speaking of backward states. *Gerald P. Nye.* N. Am. Rev. Apr., 1930.

———. The United States—a union or a unity. *R. B. Y.* Notre Dame Lawyer. Apr.—May, 1930.

———. Government by the people. *William Atherton Dupuy.* World's Work. June, 1930.

———. The equality of the states. *Albert Bushnell Hart.* Current Hist. June, 1930.

Federal Trade Commission. Judicial review of facts found by the federal trade commission. *James J. Morrison.* Tulane Law Rev. June, 1930.

Federalist Party. Letters of Connecticut federalists. Edited by *William E. Buckley.* New England Quar. Apr., 1930.

Flood Control. Flood control work on the Mississippi. *Lytle Brown.* Scientific Monthly. June, 1930.

Foreign Service. Congress, the foreign service, and the department of state. *Irvin Stewart.* Am. Pol. Sci. Rev. May, 1930.

Forestry Legislation. Progress in state forestry legislation, 1929. *A. B. Hastings.* Am. Pol. Sci. Rev. May, 1930.

Fourteenth Amendment. The fourteenth amendment in its relation to state taxation of intangibles. *Waller L. Nossaman*. Calif. Law Rev. May, 1930.

Free Speech. Limiting the freedom of speech by suppressing the advocacy of direct action. *Edward L. Coyle*. Cincinnati Law Rev. Mar., 1930.

Governmental Policy. Government. *J. P. Chamberlain*. Am. Jour. Sociol. May, 1930.

Governor. Governor's messages, 1930. *Harvey Walker*. Am. Pol. Sci. Rev. May, 1930.

Highways. The Minnesota state highway patrol. *Earle Brown*. Minn. Municipalities. May, 1930.

———. Purchasing of highway equipment in Texas. *Frank M. Stewart*. Am. Pol. Sci. Rev. May, 1930.

Hoover. The peculiar weakness of Mr. Hoover. *Walter Lippmann*. Harper's. June, 1930.

Immigration. The Mexican invasion. *Roy L. Garis*. Sat. Eve. Post. Apr. 19, 1930.

Impeachment. Some legal aspects of impeachment in Louisiana. *Newman F. Baker*. Southwestern Pol. and Soc. Sci. Quar. Mar., 1930.

Indian Problem. A new deal for the red man. *Ruby A. Black*. Nation. Apr. 2, 1930.

Injunction. Organized labor as party plaintiff in injunction cases. *Alpheus T. Mason*. Columbia Law Rev. Apr., 1930.

———. Judge Parker and the injunction. *Editor*. New Repub. Apr. 16, 1930.

———. Use of injunction in election disputes—equitable jurisdiction over non-property rights. *W. B. R.* Pa. Law Rev. Mar., 1930.

Interstate Commerce Commission. The interstate commerce commission and the railroad terminal problem. *M. L. Fair*. Quar. Jour. Econ. May, 1930.

Judicial Council. The Ohio judicial council embarks on a survey of justice. *F. R. Aumann*. Am. Pol. Sci. Rev. May, 1930.

———. The judicial council movement and Iowa. *Francis R. Aumann*. Ia. Law Rev. June, 1930.

———. The work done by judicial councils. *J. C. Ruppenthal*. Jour. Am. Judicature Soc. June, 1930.

Judicial Review. The United States supreme court molding the constitution. *Felix Frankfurter*. Current Hist. May, 1930.

Judiciary. The judicial office in America. *Roscoe Pound*. Boston Univ. Law Rev. Apr., 1930.

———. Federal legislative courts. *Wilbur Griffith Katz*. Harvard Law Rev. Apr., 1930.

———. Federal judges—appointment, supervision, and removal—some possibilities under the constitution. II. III. *Burke Shartel*. Mich. Law Rev. Apr., May, 1930.

———. The appointment of federal district judges. *Kenneth C. Sears*. Ill. Law Rev. May, 1930.

Jury. Proposed legislation for jury reform in New York. *Legislation Editor*. Columbia Law Rev. May, 1930.

Labor. The doctrine of unclean hands in labor controversies. *Note Editor*. Harvard Law Rev. May, 1930.

———. How far is the theory of trust regulation applicable to labor unions? *Forrest Revere Black*. Mich. Law Rev. June, 1930.

Legislation. Drafting amendatory statutes. *Legislation Editor*. Harvard Law Rev. May, 1930.

———. Federal process and state legislation. *Charles Warren*. Va. Law Rev. Apr., 1930.

Legislative Investigations. Legislative investigating committees: extent of power of legislative investigation of affairs of private corporations. *A. B. Tanner*. Calif. Law Rev. Mar., 1930.

Lobby. What makes lobbyists? A discussion of their regulation. *E. P. Herring*. Outlook. Apr. 9, 1930.

———. The great lobby hunt. *Frank R. Kent*. Scribner's. May, 1930.

———. Right to recover compensation for services rendered under a lobbying contract. *M. G.* Pa. Law Rev. Jan., 1930.

Military Law. Free speech in khaki. *An Army Officer*. Am. Mercury. Apr., 1930.

Muscle Shoals. The Muscle Shoals lobby. *Duff Gilfond*. New Repub. Apr. 16, 1930.

———. Should Uncle Sam operate Muscle Shoals? *Chester H. Gray, George W. Norris, and Others*. Cong. Digest. May, 1930.

Naturalization. Naturalization and the prohibition amendment. *Henry B. Hazard*. Georgetown Law Jour. Mar., 1930.

Old Age Pensions. State pensions or charity? *Alice Hamilton*. Atlan. M. May, 1930.

Philippines. Philippine independence and peace in the Pacific. *Nicholas Roosevelt*. For. Affairs. Apr., 1930.

———. Independence for the Philippines? *Editor*. New Repub. Apr. 9, 1930.

———. Philippine independence. *Raymond Leslie Buell*. For. Pol. Assoc. Inf. Service. Apr. 30, 1930.

———. The Philippines: I. America's duty to retain control. *Henry T. Allen*. II. A plea for independence. *Manuel Roxas*. Current Hist. May, 1930.

Police Power. The police power as the source of public utility legislation. *Edward G. Jennings*. Dakota Law Rev. Apr., 1930.

———. Validity of statute prohibiting assignment of wages. *W. M. M.* Va. Law Rev. Apr., 1930.

———. Eminent domain and the police power. *T. D. Havran*. Notre Dame Lawyer. Apr.-May, 1930.

———. Legal restraints on a choice of a dwelling. *F. D. G. Ribble*. Pa. Law Rev. May, 1930.

———. Little essays on the police power. *Homer C. Hockett*. Miss. Valley Hist. Rev. June, 1930.

Politics. Possibilities in the study of "neighborhood" politics. *Lane W. Lancaster*. Social Forces. Mar., 1930.

———. Penrose—an American Machiavelli. *Henry Hart*. Scribner's. Apr., 1930.

- . Spellbinding. *Alfred E. Smith*. Sat. Eve. Post. May 24, 1930.
- . Politicians, female. *Clare Ogden Davis*. White house hopes in Maryland. *Gerald W. Johnson*. N. Am. Rev. June, 1930.
- Poor relief. Poor relief laws. *Paul M. Butler*. Notre Dame Lawyer. Apr.-May, 1930.
- Presidential Election. Factors in the presidential election of 1928. *William F. Ogburn* and *Nell Snow Talbot*. Social Forces. Dec., 1929.
- Primary. New South Dakota primary law applies short ballot doctrine. *Clarence A. Berdahl*. Nat. Mun. Rev. Apr., 1930.
- . Direct primary legislation in 1928-29. *Louise Overacker*. Am. Pol. Sci. Rev. May, 1930.
- . Pennsylvania's battle royal. *Richard J. Beamish*. Nation. May 14, 1930.
- . Who won in Pennsylvania? *Editor*. New Repub. June 4, 1930.
- Prohibition. Seventy-first congress and prohibition. *William Williamson*, *John J. Cochran*, *Arthur Capper*, and *Others*. Cong. Digest. Mar., 1930.
- . Some prohibition forfeiture cases—the doctrine of vicarious liability. *Forrest R. Black*. Pa. Law Rev. Feb., 1930.
- . Booze and business. *Jesse Rainsford Sprague*. Harper's. Apr., 1930.
- . Prohibition ten years after. *Fabian Franklin*. Forum. Apr., 1930.
- . The high cost of nullification. *Howard McLellan*. Rev. of Revs. Apr., 1930.
- . The expansion of criminal equity under prohibition. *Forrest R. Black*. Wis. Law Rev. Apr., 1930.
- . Proposed legislation for enforcement of prohibition. *Thomas F. Konop*. Federal court intervention in the trials of prohibition officers. *Robert F. Eggeman*. Notre Dame Lawyer. Apr.-May, 1930.
- . Parents and prohibition. *Anon.* Why I am a wet: a candidate for governor speaks. *T. W. Phillips, Jr.* Prohibition and the negro. *Archibald Rutledge*. Outlook. Apr. 23, 30, May 28, 1930.
- . What Kansas thinks of prohibition. *Clyde M. Reed*. Should women vote wet? *Ione Nicoll*. Liquor floods the campus. *Bill Cunningham*. N. Am. Rev. Apr., May, June, 1930.
- . Prohibition as I saw it. *Frank H. Shaw*. Prohibition as it is. *A New York Correspondent*. Liv. Age. Apr. 15, June 1, 1930.
- . Wet or dry? *Elmer Houser*. Mich. Hist. Mag. Spring, 1930.
- . The first hundred years of prohibition. I. II. III. *David Lawrence*. Sat. Eve. Post. May 31, June 14, 28, 1930.
- . The rising tide of prohibition repeal. *Dudley Cammett Lunt*. Scribner's. June, 1930.
- . Prohibition repeal—practical politics. *Editor*. New Repub. June 11, 1930.
- Public Defender. The public defender. *Chas. E. George*. Lawyer and Banker. May-June, 1930.
- Public Utilities. Some theoretical aspects of the public utility controversy. *Harold W. Peck*. Int. Jour. Ethics. Apr., 1930.
- . Proposed changes in New York public service commission law. *John Bauer*. Nat. Mun. Rev. Apr., 1930.

———. Enforceability of contracts fixing public utility rates. *Note Editor*. The Bauer-Bonbright proposal for the revision of the New York public service commission law and its constitutionality. *Legislation Editor*. Columbia Law Rev. Apr., 1930.

———. Rate regulation: enforceability of contract fixing public utility rates. *Frank M. Keesling*. Calif. Law Rev. May, 1930.

———. The split inventory: a war expedient, a solution in peace. *E. M. Bernstein*. Quar. Jour. Econ. May, 1930.

———. The real significance of the Baltimore railways case. *Arthur H. Ryall*. Mich. Law Rev. May, 1930.

———. The determination of working capital in railroad and public utilities valuations. *Karl Stecher*. The judicial interpretation of public utility franchises. *Richard J. Smith*. Yale Law Jour. May, 1930.

———. The constitutional rate of return for public utilities. I. II. *Charles B. Elder*. Ill. Law Rev. May, June, 1930.

———. The utilities as an issue. *Editor*. Public utility profiteering. *Ruth Finney*. New Repub. May 7, June 11, 1930.

———. The meaning and ascertainment of "value" of public utilities. *L. Dale Coffman*. Ia. Law Rev. June, 1930.

———. Reasonable and barely nonconfiscatory rates. *Ben W. Lewis*. Cornell Law Quar. June, 1930.

———. Has public utility regulation failed? *John Bauer*. Pub. Management. June, 1930.

———. Affection with a public interest. *Walton H. Hamilton*. Yale Law Jour. June, 1930.

Radio Control. The law of radio broadcasting. *Richard D. Sturtevant*. Dakota Law Rev. Apr., 1930.

Roosevelt. My friendship with Roosevelt. *Owen Wister*. Sat. Eve. Post. Mar. 22, 29, Apr. 5, 12, 19, 1930.

———. Roosevelt and the 1912 disaster. *Owen Wister*. Harper's. May, 1930.

Securities Regulations. Regulation of security issues by the Ohio public utilities commission. *Irwin S. Rosenbaum*. Cincinnati Law Rev. May, 1930.

———. The California corporate securities act. II. *John E. Dalton*. Calif. Law Rev. Mar., 1930.

Social Legislation. Social and labor legislation. *Samuel McCune Lindsay*. Am. Jour. Sociol. May, 1930.

———. Social welfare progress in the United States. *John A. Lapp*. Current Hist. June, 1930.

State Administration. Results in New York state vindicate administrative reorganization. *Franklin D. Roosevelt*. Theory and practice in state administrative organization. *Harvey Walker*. A proposed plan of administrative reorganization for Oklahoma. *George W. Spicer*. Nat. Mun. Rev. Apr., May, 1930.

State Constitutions. State constitutional development through amendment, 1929. *W. Leon Godshall*. Am. Pol. Sci. Rev. May, 1930.

———. Need for constitutional revision in Ohio. *Harvey Walker*. Cincinnati Law Rev. May, 1930.

St. Lawrence Waterway. President Hoover's shipway. *R. C. Hawkin*. Contemp. Rev. Apr., 1930.

Supreme Court. Der oberste Gerichtshof der Vereinigten Staaten. *Walter Simons*. Nord und Sud. Mar., 1930.

———. Hughes the humanitarian. *Joseph Percival Pollard*. N. Am. Rev. Apr., 1930.

———. The supreme court of the United States. *Willis Van Devanter*. Ind. Law Jour. May, 1930.

———. The federal supreme court and industrial development. *E. F. Albertsworth*. Am. Bar Assoc. Jour. May, 1930.

———. The supreme court and the public. *Felix Frankfurter*. Forum. June, 1930.

———. The chief justice of the United States. *W. M. Hendren*. N. C. Law Rev. June, 1930.

Taft. The labor decisions of Chief Justice Taft. *Alpheus T. Mason*. Pa. Law Rev. Mar., 1930.

———. The man who served us—Taft. *Stephen Bonsal*. World's Work. Apr., 1930.

———. William Howard Taft: I. His place in American history. *Albert Bushnell Hart*. II. Taft's labors for international peace. *Frederick Lynch*. Current Hist. May, 1930.

Tariff. The diligent senator Smoot. *Alfred Pearce Dennis*. World's Work. May, 1930.

———. Hard times for farmers. II. What can the tariff do? *Roland R. Renne*. The fraud of the flexible tariff. *Editor*. Canada plans reprisal. *J. A. Stevenson*. New Repub. May 7, June 4, 1930.

———. The tariff and organized labor. *Lyle W. Cooper*. Am. Econ. Rev. June, 1930.

Taxation. Public purpose in taxation. II. *Breck P. McAllister*. Calif. Law Rev. Mar., 1930.

———. Taxation of intangibles—recent developments in the United States supreme court. *K. H.* Pa. Law Rev. Feb., 1930.

———. Taxation of state employees by the federal government. *E. J. C.* Georgetown Law Jour. Mar., 1930.

———. Tax exemption of Greek letter fraternities. *Vell B. Chamberlain*. Application of Ohio inheritance tax to intangibles of non-resident decedents. *T. Gordon Gutting*. Cincinnati Law Rev. Mar., May, 1930.

———. Taxation of beneficiaries' interest in life insurance policies. *Samuel Davis*. Boston Univ. Law Rev. Apr., 1930.

———. Jurisdiction of the states to tax—recent developments. *Fowler Vincent Harper*. Ind. Law Jour. Apr., 1930.

———. Recent developments in state taxation of intangibles. *Wallace V. Wilson*. St. Louis Law Rev. Apr., 1930.

———. Increases of taxation in Minnesota. *H. B. Bacon*. Minn. Municipalities. Apr., 1930.

———. Judicial review of tax errors—effect of failure to resort to administrative remedies. *E. Blythe Stason*. Mich. Law Rev. Apr., 1930.

———. Tax simplifications and state constitutions. *Harley L. Lutz*. Recommendations of the tax commission for the improvement of the Illinois tax system. Ill. Mun. Rev. Apr., May, 1930.

———. Taxation of transfers intended to take effect in possession or enjoyment at grantor's death. I. II. *Henry Rottschaefer*. Jurisdiction to tax intangibles. *Note Editor*. Minn. Law Rev. Apr., May, June, 1930.

———. Taxation of intangible property. *Ralph D. Ray*. The use of the trust to escape the imposition of federal income and estate taxes. *C. W. Leaphart*. Cornell Law Quar. Apr., June, 1930.

———. Public expenditure in tax incidence theory. *M. Slade Kendrick*. Am. Econ. Rev. June, 1930.

Third Parties. The failure of minor parties. *Elmer Ellis*. Current Hist. Apr., 1930.

Tort Liability. Tort liability of the state. *Edwin M. Borchard*. Jour. Comp. Legis. and Int. Law. Feb., 1930.

Trade-Marks. Trade-marks and trade names—an analysis and synthesis. *Millon Handler* and *Charles Pickett*. Columbia Law Rev. June, 1930.

Treaties. Proposed new edition of the treaties of the United States. *Hunter Miller*. Am. Jour. Int. Law. Apr., 1930.

———. The interpretation of treaties by United States courts. *Note Editor*. Columbia Law Rev. Apr., 1930.

Unemployment. Downward trend of employment. *Ernest J. Eberling*. Current Hist. Apr., 1930.

———. The alien and unemployment. *Isaac F. Marcossou*. Sat. Eve. Post. June 14, 1930.

Uniform Legislation. Uniform state laws and Ohio's part therein. *Murray M. Shoemaker*. Cincinnati Law Rev. Mar., 1930.

———. Uniform laws and federal statutes. *Benjamin W. Yancey*. Tulane Law Rev. June, 1930.

Water Control. Sovereign rights and relations in the control and use of American waters. III. *Ernest C. Garman*. South. Calif. Law Rev. Apr., 1930.

———. Water power in New York state. *A. Blair Knapp*. Published by School of Citizenship and Public Affairs, Syracuse University. May, 1930.

———. The crux of the water power issue. *Walter C. Hurlburt*. Nat. Mun. Rev. May, 1930.

Welfare Agencies. Principles governing the co-ordination of public and private welfare agencies. *Raymond Clapp*. Pub. Management. June, 1930.

Women's Rights. The legal status of women in Wisconsin. III. *Claude D. Stout*. Marquette Law Rev. June, 1930.

Workmen's Compensation. Judicial review of decisions of the workmen's compensation bureau of North Dakota. *E. G. Baird*. Dakota Law Rev. Feb., 1930.

———. Nine months of workmen's compensation in North Carolina. *Allen K. Smith*. N. C. Law Rev. June, 1930.

FOREIGN AND COMPARATIVE GOVERNMENT

Books

Amos, Sir Maurice. The English constitution. (English Heritage Series.) Pp. 194. London: Longmans.

Bailey, W. Milne, ed. Trade union documents. Pp. 552. London: Bell.

Banerjee, P. A history of Indian taxation. Pp. x+541. London: Macmillan.

Bannington, B. G. English public health administration. (2d ed.) Pp. 325. London: P. S. King.

Benn, E. J. P. About Russia. Pp. 168. London: Benn.

Bertram, Sir Anton. The colonial service. Pp. 292. London: Cambridge Univ. Press.

Chen, Fou Choen. La révolution chinoise. Pp. 183. Paris: Presses Universitaires.

Chrzanowski, Ignace de. Des divers modes d'élection des présidents de la république. Lyon: Imp. Bascou.

Condliffe, J. B. New Zealand in the making. Chicago: Univ. of Chicago Press.

Coons, Arthur Gardiner. The foreign public debt of China. Pp. 262. Philadelphia: Univ. of Pa. Press.

Cresswell, C. M. The keystone of fascism. Pp. 336. London: Besant.

Drage, Geoffrey. Public assistance. Pp. 396. London: Murray.

Dumbell, P. H. Loyal India. Pp. xxiv+243. London: Constable.

Ellam, J. E. Swaraj: the problem of India. London: Hutchinson.

Eschmann, E. W. Der faschistische Staat in Italien. Pp. 144. Breslau: Ferdinand Hirt.

Foignet et Dupont. Manuel élémentaire de législation industrielle. Pp. 463. Paris: Rousseau.

Fucile, Edmond. Le mouvement syndical et la réalisation de l'état corporatif en Italie. Pp. 210. Paris: Presses modernes.

Garilli, V. La riscossione delle imposte dirette: legislazione, istruzioni, giurisprudenza. Pp. viii+1050. Milan: Soc. Ed. Libreria.

Ghoshal, N. N. Contributions to the history of the Hindu revenue system. London: Longmans.

Giacometti, Z. Das öffentliche Recht der schweizerischen Eidgenossenschaft. Pp. 1208. Zurich: Polygraphischer Verlag.

Grinko, G. T. Whither U. S. S. R.? The great reconstruction. N. Y.: Int. Pubs.

Haase, Ernst, ed. Hugo Haase. Pp. 254. Berlin: Ottens.

Harraca, Emm. Sur le vote familial. Le suffrage du chef de famille normale. Pp. 104. Paris: Giard.

Hedges, R. Y., and Winterbottom, Allan. The legal history of trade unionism in England. Pp. 189. N. Y.: Longmans.

Heyer, F. Das britische Finanzsystem. Pp. iv+114. Jena: Fischer.

Holzer, Erwin. Die Entstehung des jugoslawischen Staates. Pp. 107. Berlin: Gunther Thon.

Hoyland, John S. The case for India. Pp. vii+173. London: Dent.

Hummel, Fritz. Preussen und seine Provinzen im Reichsrat. Pp. xiv+147. Berlin: Georg Stilke.

Jahrreiss, Hermann. System des deutschen Verfassungsrechts. Tübingen: J. C. B. Mohr.

Jenks, Edward. The government of the British empire. (4th ed.) London: John Murray.

Kalken, Frans van. La Belgique contemporaine (1780-1930). Paris: Colin.

Keith, Arthur Berriedale. Dominion antonomy in practice. Toronto: Oxford Univ. Press.

Kemechey, L. "Il Duce": the life and work of Benito Mussolini. N. Y.: Richard R. Smith.

Kircher, Rudolf. Wie's die Engländer machen. Pp. 255. Frankfurt: Frankfurter Societäts-Druckerei.

Koellreutter, Otto. Der englische Staat der Gegenwart und das britische Weltreich. Pp. 136. Breslau: Ferdinand Hirt.

Köttgen, Arnold. Beamtenrecht. Pp. 120. Breslau: Verlag Ferdinand Hirt.

Kunz, Josef L. Die Staatenverbindungen. Pp. 818. Stuttgart: W. Kohlhammer.

Labroue, Henri. Comment devenir député et le rester. Paris: Fayard.

Landry, A. L'hygiène publique en France. Paris: Alcan.

Leinert, Martin. Volksstaat oder Diktatur? Pp. 123. Gotha: Klotz.

Li, T'ang Leang. The inner history of the Chinese revolution. London: Routledge.

Ling-Mallison, E. Law relating to women. Pp. xxxii+184. London: Solicitors' Law Stationery Society.

Long, Kia-sion. Le mouvement social en Chine. Pp. 160. Paris: Rivière.

Lowrie, Donald A. Masaryk of Czechoslovakia. Pp. viii+208. London: Milford.

Magnus, Julius. Die höchsten Gerichte der Welt. Pp. xii+634. Leipzig: Moeser.

Mikus, Dagobert von. Gasi Mustafa Kemal. Pp. 335. Leipzig: List.

Morrison, Henry. The French constitution. London: Allen & Unwin.

Muir, Ramsay. How Britain is governed. Pp. 344. N. Y.: Richard R. Smith.

Neame, L. E. General Hertzog: prime minister of the union of South Africa since 1924. Pp. 288. London: Hurst & Blackett.

Nenni, Pietro. Six ans de guerre civile en Italie. Paris: Valois.

Nowak, Karl F. Kaiser and chancellor. N. Y.: Macmillan.

Petersen, L. C., and Groth, K. V. Den danske Toldtarif. København: G. E. C. Gad.

Philip, A. L'Inde politique. Paris: Alcan.

Posada, A. El regimen constitucional. Pp. 206. Madrid: Victoriano Suarez.

Pradham, R. G. India's struggle for swaraj. Pp. xxiii+311+xi. Madras: G. A. Natisan.

Ranga Iyer, S. C. India: peace or war. Pp. 256. London: Harrap.

Rocca, M. Le fascisme et l'anti-fascisme en Italie. Pp. 230. Paris: Alcan.

Rojas, Hipólito Final. Cuál es el horizonte político de España? Pp. 308. Madrid: Beltran.

Rosenberg, K. How the ratepayer is governed. Pp. 127. London: Williams & Norgate.

Rychnovsky, Ernst. Masaryk. Pp. 338. Prag: Staatliche Verlagsanstalt.

Salluste. Les origines secrètes du bolchevisme: Henri Heine et Karl Marx. Pp. 300. Paris: Tallandier.

Schauuff, Johannes. Neues Wahlrecht. Pp. 256. Berlin: Georg Stilke.

Schulze-Pfaelzer, Gerhard. Von Spa nach Weimar. Pp. 386. Leipzig: Grethlein.

Steinberg, J. Als ich Volkskommissar war. Pp. 255. Munich: Piper.

Street, C. J. C. President Masaryk. Pp. 256. London: Geoffrey Bles.

Tarduchy, Emilio R. Psicología del dictador y caracteres más salientes de la dictadura en España. Pp. 320. Madrid: Junta de Propaganda Patriótica.

Thévenez, René. Législation des chemins de fer. 2 vols. Pp. 627; 627. Paris: Rousseau.

Thomson, E. E. B. The parliament of Scotland, 1690-1702. Pp. viii+198. London: Milford.

Turati, Augusto. A revolution and its leader. (Authorized translation from the Italian.) Pp. xxxii+205. London: Alexander Ouseley.

Turner, Ben. About myself, 1863-1930. Pp. 368. London: Cayme Press.

Villari, Luigi. The expansion of Italy. Pp. 290. London: Faber & Faber.

Watson, A. M. K. The biography of President Von Hindenburg. Pp. 316. London: Marriott.

Weil, Fritz. Das Werden eines Volkes und der Weg eines Mannes: Eduard Beneš. Pp. 264. Dresden: Carl Reissner.

Worts, F. R. Work, wealth, and government in England. Pp. 208. London: Heinemann.

Articles

Abyssinia. Abyssinia, an African sovereign state. *Oliver McKee.* Current Hist. Apr., 1930.

Administration. Some psychological factors in public administration. *P. C. Lyel.* Pub. Admin. Apr., 1930.

Afghanistan. La révolution afghane. I. II. *Roger Labonne.* Correspondant. Apr. 25, May 10, 1930.

Australia. Australia. I. The change of government. II. The royal commission on the constitution. Round Table. Mar., 1930.

———. The Australian commonwealth and the states. *Arthur Jose.* Quar. Rev. Apr., 1930.

Austria. Unrest in Austria. *Herbert Solow.* Menorah Jour. Feb., 1930.

Belgium. Le centenaire de l'indépendance belge. *Henri Davignon.* Rev. Deux Mondes. May 1, 1930.

British Empire. Les colonies de la couronne britannique. II. *J. Oudiette.* Rev. Sci. Pol. Jan.-Mar., 1930.

———. Notes on imperial constitutional law. *Berriedale Keith.* Jour. Comp. Legis. and Int. Law. Feb., 1930.

———. Dominion status. III. *J. C. Anderson.* Constitutional developments in the commonwealth of nations. *Norman MacKenzie.* Canadian Bar Rev. Mar., 1930.

———. Some aspects of Canadian and Australian federal constitutional law. *W. P. M. Kennedy.* Cornell Law Quar. Apr., 1930.

———. The riddle of the British commonwealth. *W. Y. Elliott.* For. Affairs. Apr., 1930.

Budget. Les budgets des principaux pays et les budgets de l'avenir. *R. J. Pierre.* Jour. Économistes. Nov. 15, 1929.

Canada. Canada. II. The international joint commission. Round Table. Mar., 1930.

———. Liquor control in Ontario. *Merrill Denison.* Cheap power in Ontario. *Harry W. Laidler.* New Repub. Apr. 23, May 21, 1930.

———. The Manitoba industrial conditions act. *J. Preudhomme*. Canadian Bar Rev. May, 1930.

China. An impression of China. Round Table. Mar., 1930.

———. The road to ruin in China. *J. O. P. Bland*. English Rev. Apr., 1930.

———. Future of the Chinese puzzle. *W. Lock Wei*. Outlook, May 21, 1930.

———. China goes to war. *George Soulie de Morant*. Liv. Age. June 1, 1930.

Cuba. President Machado's administration of Cuba: I. Changes of dictatorship. *William English Walling*. II. A vindication of the president. *Orestes Ferrara*. Current Hist. May, 1930.

Czechoslovakia. Präsident Masaryk. *A. Mendelssohn Bartholdy*. Europäische Gespräche. Mar., 1930.

———. President Masaryk. *R. W. Seton-Watson*. Contemp. Rev. Mar., 1930.

———. La dixième anniversaire de la constitution tchécoslovaque. *L. Dumont-Wilden*. Le 80^e anniversaire du président Masaryk et la révolution. *Auguste Gauvain*. Rev. Bleue. Mar. 1, Apr. 5, 1930.

———. Masaryk. *Paul Miliukov*. For. Affairs. Apr., 1930.

———. The Czechoslovak advisory board for economic questions. *E. Pendleton Herring*. Am. Pol. Sci. Rev. May, 1930.

———. Tommaso Garrigue Masaryk. *Roberto Michels*. Nuova Antologia. May 1, 1930.

Denmark. Die Bodenpolitik der dänischen Regierung in Nordschleswig. *Heinrich Klinkenberg*. Deutsche Arbeit. Feb., 1930.

European Constitutions. Les nouvelles tendances du droit constitutionnel. *B. Mirkine-Guetzevitch*. Rev. Droit Pub. et Sci. Pol. Jan.—Mar., 1930.

France. La réforme des méthodes du travail parlementaire. II. *Aubert Lefas*. Les vues de Prévost-Paradol sur les réformes constitutionnelles. *E. d'Eichthal*. Rev. Sci. Pol. Jan.—Mar., 1930.

———. Théorie générale des contrats de l'administration. *Gaston Jèze*. Rev. Droit Pub. et Sci. Pol. Jan.—Mar., 1930.

———. The conseil d'état in France. *H. Berthélemy*. Jour. Comp. Legis. and Int. Law. Feb., 1930.

———. Die neue politische evolution in Frankreich. *Jean Luchaire*. Nord und Süd. Mar., 1930.

———. Pour les actions à vote plural. *Albert Wahl*. Un plan de dégrèvements fiscaux. *XXX*. Rev. Pol. et Parl. Apr., 1930.

———. France under Tardieu. *John Bell*. Fort. Rev. May, 1930.

———. La présidence de la chambre des députés (1876–1930). *Henri Austruy*. Nouvelle Rev. May 1, 15, 1930.

———. Les dernier jours du cabinet Dufaure. I. *Alfred Hérault*. Rev. Paris. June 1, 1930.

Germany. Das preussisch-deutsche Problem in der Reichsreform. *Helmut Lemke*. Annalen des deutschen Reichs. No. 1–3, 1929.

———. Present day social insurance in Germany. *Mollie Ray Carroll*. Social Forces. Sept., 1929.

- . Die Wahlrechtsentscheidungen des Staatsgerichtshofs und die letzte Regierungsbildung im Freistaat Sachsen. *Willibald Apelt*. Archiv öffent. Rechts. Feb., 1930.
- . Der Stand der Wahlreform. *H. G. Erdmannsdörffer*. Preuss. Jahrbücher. Apr., 1930.
- . Die neue Lage im Reich. *Ludwig Quessel*. Sozialistische Monatshefte. Apr., 1930.
- . Paul von Hindenburg. *Albert B. Faust*. The rebirth of disarmed Germany. *George McK. McClellan*. Current Hist. Apr., May, 1930.
- . German women in politics. *Genevieve Parkhurst*. Harper's. May, 1930.
- . L'Allemagne se démocratise-t-elle? *Pierre Delattre*. Rev. Deux Mondes. June 1, 1930.
- Great Britain. Budget. How far can a labour budget go? *J. Wedgwood*. Pol. Quar. Jan., 1930.
- . British budget problems. *James Dunbar*. Nation. Apr. 16, 1930.
- . Land and death duties. *Montrose*. The first socialist budget. *Sir E. Hilton Young*. Nine. Cent. Apr., May, 1930.
- . Mr. Snowden and the national finance. *Collin Brooks*. Democracy and the budget. *Member of Parliament*. English Rev. May, 1930.
- . Government. Zur Reform des englischen Oberhauses. *Fritz Morstein Marz*. Zeitschrift gesamte Staatswissenschaft. Mar., 1930.
- . Proceedings by and against the crown. *Sir Thomas Inskip*. Cambridge Law Jour. No. 1, 1930.
- . Consultation of the judiciary by the executive. *E. C. S. Wade*. Law Quar. Rev. Apr., 1930.
- . The board of trade. *Sir H. Llewellyn Smith*. Pub. Admin. Apr., 1930.
- . Emmeline Pankhurst and militant suffrage. *Evelyn Sharp*. Nine. Cent. Apr., 1930.
- . The personnel of the British foreign office and diplomatic service, 1851-1929. *Robert T. Nightingale*. Am. Pol. Sci. Rev. May, 1930.
- . Great Britain has lobbies too. *E. Pendleton Herring*. Va. Quar. Rev. July, 1930.
- . Politics. The disappearance of the governing class. *A Political Correspondent*. A political dialogue. I. II. *G. Lowes Dickinson*. Pol. Quar. Jan., Apr., 1930.
- . Great Britain: home affairs. Round Table. Mar., 1930.
- . Gladstone as a christian statesman. *William Harbutt Dawson*. Problems and parties. *Geoffrey Mander*. Contemp. Rev. Mar., Apr., 1930.
- . British labor and the war-time coalitions. *Carl F. Brand*. Am. Hist. Rev. Apr., 1930.
- . Wie Amerika die britische Labour-Regierung sieht. *Mary Agnes Hamilton*. Nord und Süd. Apr., 1930.
- . Philip Snowden: a portrait. *Harold J. Laski*. Harper's. Apr., 1930.
- . The group in British politics. *J. H. Harley*. Fort. Rev. Apr., 1930.

- . *La crise politique allemande*. *L. Dumont-Wilden*. *Rev. Bleue*. Apr. 19, 1930.
- . *The crisis in the unionist party*. *L. S. Amery*. *The political outlook*. I. *Mary Agnes Hamilton*. II. *Duff Cooper*. *Nine. Cent.* Apr., May, June, 1930.
- . *Arthur James Balfour*. *Angus Fletcher*. *Current Hist.* May, 1930.
- . *Wo steht die Labour Party?* *Balthasar Weingartz*. *Sozialistische Monatshefte*. May, 1930.
- . *The political situation*. *Cuthbert Headlam*. *English Rev.* May, 1930.
- . *Great Britain today: a political diagnosis*. *W. T. Morgan*. *Hist. Outlook*. May, 1930.
- . *Labor in office*. *W. J. Brown*. *Liv. Age*. May 1, 1930.
- . *British party organization*. *James K. Pollock, Jr.* *Pol. Sci. Quar.* June, 1930.
- . *MacDonald's first year*. *Editor*. *New Repub.* June 18, 1930.
- . *Social and Economic Policy*. *The future of trade union law*. *W. A. Robson*. *The problem of the mines*. *G. D. H. Cole*. *Pol. Quar.* Jan., 1930.
- . *The early history of industrial conciliation in England*. *J. R. Hicks*. *Economica*. Mar., 1930.
- . *Poor relief in industrial disputes*. *W. Ivor Jennings*. *Law Quar. Rev.* Apr., 1930.
- . *State pensions and old age dependency in Great Britain*. *E. M. Burns*. *Pol. Sci. Quar.* June, 1930.
- . *Tariff. Empire free trade*. *T. E. Gregory*. *Pol. Quar.* Apr., 1930.
- . *Protection and empire free trade*. *Cyril Atkinson*. *The referendum*. *H. A. Smith*. *English Rev.* Apr., 1930.
- . *Preference and the referendum*. *Richard Jebb*. *Tariffs and empire*. *Harold Cox*. *World wheat and the British farmer*. *E. T. Wise*. *Nine. Cent.* May, June, 1930.
- . *Unemployment*. *Unemployment insurance in England today*. *Helen Leland Wilmer*. *Social Forces*. Mar., 1930.
- . *Unemployment and the poor law*. *Wm. Marshall Freeman*. *Parliament, platitudes, and ex-soldiers' employment*. *F. George*. *English Rev.* Apr., 1930.
- . *British unemployment and its meaning*. *Sir Leo Chiozza Money*. *Fort. Rev.* May, 1930.
- . *Greece. Le centenaire de l'indépendance de la Grèce*. *Nicolas Politis*. *Rev. Pol. et Parl.* Apr., 1930.
- . *Le centenaire de l'indépendance grecque*. *L. Dumont-Wilden*. *Rev. Bleue*. Apr. 5, 1930.
- . *Greece at her centenary*. *William Miller*. *Contemp. Rev.* May, 1930.
- . *India. India and the viceroy's pronouncement*. *Round Table*. Mar., 1930.
- . *India*. *Sailendranath Ghose and Edward Thompson*. *For. Pol. Assoc. Pamphlet No. 65, Series 1929-30* (Apr., 1930).
- . *Mahatma Gandhi and the government*. *Reginald Reynolds*. *Pol. Quar.* Apr., 1930.

- . Mahatma Gandhi. *Hans Prager*. Nord und Süd. Apr., 1930.
- . India's emigration problem. *C. F. Andrews*. For. Affairs. Apr., 1930.
- . India's advance towards democracy. *Lord Lloyd*. Can we content India? *T. Earle Welby*. Fort. Rev. Apr., May, 1930.
- . The Indian scene: a reply. *Reginald Craddock*. The present situation in India. *J. Coatman*. Nine. Cent. Apr., June, 1930.
- . Engländerne i Indien. *Lionel C. Dunsterville*. Tilskueren. May, 1930.
- . Britain in India. *Mahatma Gandhi*. Things seen in India. *Colin Ross*. Liv. Age. May 1, 1930.
- . Les tendances nouvelles du nationalisme hindou. *A. Fenner-Brockway*. L'avenir économique des Indes. *Lord Meston*. Rev. Mondiale. May 1, June 1, 1930.
- . The alternatives in India. *Editor*. MacDonald and Gandhi. *H. N. Brailsford*. India: a nation on strike. *N. B. Parulekar*. New Repub. May 7, 14, 28, 1930.
- . Gandhi the non-resistant. *Henry Raymond Mussey*. Will Gandhi win? India confronts Britain. *Richard B. Gregg*. Nation. May 21, June 4, 18, 1930.
- . Marching with Gandhi. *Newton Phelps Stokes, II*. Crisis in India. *P. W. Wilson*. Rev. of Revs. June, 1930.
- . Propaganda in Mahatma Gandhi's movement. *K. L. Motwani*. Social Forces. June, 1930.
- . Mahatma Gandhi: his character and career. *W. H. Roberts*. India in turmoil. *Ralston Hayden*. Current Hist. June, 1930.
- . Will India blow up? *F. Britten Austin*. Sat. Eve. Post. June 7, 1930.
- Ireland. Ireland: events in the free state. Round Table. Mar., 1930.
- . Eight years of Irish home rule. *M. D. O'Sullivan*. Quar. Rev. Apr., 1930.
- Italy. Il consiglio nazionale delle corporazioni. *Giulio Tamagnini*. Lo stato Mussoliniano e le realizzazioni del fascismo nella nazione. *Giacomo Acerbo, Giuseppe Bottai, e collaboratori*. Rassegna Italiana. Jan., May-June, 1930.
- . Dalla democrazia al corporativismo. Stato corporativo e stato etico. La natura super-confessionale dello stato italiano. *Arnaldo Volpicelli*. Nuovi Studi di Diritto, Economia e Politica. Jan.-Feb., Mar.-Apr., 1930.
- . La politique de "ruralisation" en Italie. *Albert Sauzède*. Grande Rev. Apr., 1930.
- . Die neuen Reformen der öffentlichen Verwaltung in Italien. *Luigi Benedicenti*. Archiv öffent. Rechts. Apr., 1930.
- . Italy: year seven. *A Young Italian*. Contemp. Rev. Apr., 1930.
- Japan. Political parties in Japan. *G. F. Hudson*. Nine. Cent. June, 1930.
- Jugoslavia. Die Gebietsreform in Südslavien. *Josef März*. Zeitschrift für Politik. Nov., 1929.
- . Les règles fondamentales de la justice administrative yougoslave (suite et fin). *Yovan Stefanovitch*. Rev. Gén. Droit, Légis. et Juris. Jan.-Mar., 1930.

- . Zur Lage in Südslawien. *Heinrich Klinkenberg*. Deutsche Arbeit. Mar., 1930.
- . The Yugoslav dictatorship. *Politicus*. English Rev. Apr., 1930.
- Netherlands. Vijftig jaar partijorganisatie. *R. Hagoort*. Antirev. Staatskunde. No. 3, 1929.
- . Le statut des fonctionnaires d'après le droit néerlandais en vigueur. *M. I. Prins*. Bull. l'Inst. Interméd. Int. Apr., 1930.
- . Les Pays-Bas et la question de la double imposition. *J. Peters*. Bull. l'Inst. Interméd. Int. Apr., 1930.
- Old Age Pensions. Freedom for the aged: a survey of old age pension systems at home and abroad. *Abraham Epstein*. New Repub. Apr. 23, 1930.
- Peru. Leguía, the maker of present-day Peru. *Ignatius Phayre*. Current Hist. Apr., 1930.
- Poland. The reconstruction of Poland. *Mildred S. Wertheimer*. For. Pol. Assoc. Inf. Service. June 11, 1930.
- Russia. La citoyenne soviétique. *Constant Solima*. Rev. Pol. et Parl. Apr., 1930.
- . Russia: the fact and technique of religious persecution. *J. H. Rushbrooke*. Contemp. Rev. Apr., 1930.
- . Die kommunistische Partei Russlands als Machtfaktor und Machtinstrument. *Waldemar Hoeffding*. Deutsche Rundschau. Apr., 1930.
- . La chiesa in Russia. *S. Wolkobrun*. Rassegna Italiana. Apr., 1930.
- . The soviet touchstone: industrialization. *Bruce C. Hopper*. For. Affairs. Apr., 1930.
- . Religion in Russia. *Louis Fischer*. Nation. Apr. 9, 1930.
- . Religious persecution in Russia. *M. I. Ganfman*. An impression of industrial Russia. *Peter S. H. Alexander*. Fort. Rev. Apr., May, 1930.
- . Religion in the soviet union. I. *Edgar S. Furniss*. II. *John Dewey*. III. *Edmund A. Walsh*. IV. *Harold Kellock*. The bolshevist revolution in a new phase. *William Henry Chamberlin*. Russia's effort to establish communism. *Edgar S. Furniss*. Trotsky's own story of his life. *Alexander Bakshy*. Current Hist. Apr., May, June, 1930.
- . Religion in Russia. *Philip S. Bernstein*. Harper's. May, 1930.
- . L'énigme russe. *Prince Charles de Rohan*. Rev. Mondiale. May 1, 1930.
- . Religion and the soviets. *H. N. Brailsford*. New Repub. May 7, 1930.
- . These Russians. I. Marfousha, the housewife. II. The village priest. *William C. White*. Forum. May, June, 1930.
- . La politique coloniale et le bolchévisme. * * *. En U. R. S. S.—Nouvelle offensive contre les paysans. *Comte Kokovtsoff*. Rev. Deux Mondes. May 15, June 1, 1930.
- . The soviet and religion. Int. Conciliation. June, 1930.
- . The Russian revolution of 1917. *Michael Karpovich*. Jour. Mod. Hist. June, 1930.
- Scandinavia. Die öffentlichen Unternehmungen in der Staatswirtschaft der nordischen Länder. *Kyösti Järvinen*. Weltwirtschaftliche Archiv. Apr., 1929.
- South Africa. The civil jurisdiction of the supreme court of South Africa

(concluded). *Walter Pollak*. Private bill procedure. *R. K. South African Law Jour.* Feb., 1930.

Spain. The government of Spain. *W. Horsfall Carter*. *Contemp. Rev.* Apr., 1930.

———. Spain at the cross-roads. *Charles Petrie*. *Nine. Cent.* Apr., 1930.

———. Die katalanische Frage. *M. Ruppfer*. *Deutsche Arbeit.* Apr., 1930.

———. La reine Marie-Christine d'Espagne. *André Mévil*. *Rev. Pol et Par.l* Apr., 1930.

———. The overthrow in Spain. *Isaac F. Marcossou*. *Sat. Eve. Post.* Apr. 5, 1930.

———. Spain and its sovereign. *Salvador de Madariaga*. *Liv. Age.* Apr. 15, 1930.

———. La dittatura del generale de Rivera. *Gioacchino Volpe*. *Nuova Antologia.* May 1, 1930.

———. Vejen tilbage fra Diktaturet. *Holger Angelo*. *Gads Danske Mag.* May-June, 1930.

———. Alfonso of Spain: as man and monarch. I. *Frank L. Kluckhohn*. II. *Abbé Alphonse Lugan*. *Current Hist.* June, 1930.

———. La situation actuelle en Espagne. *André Nicolas*. *Rev. Deux Mondes.* June 1, 1930.

Switzerland. Popular participation in Swiss national council elections. *Harold F. Gosnell*. *Am. Pol. Sci. Rev.* May, 1930.

Taxation. The effects of high taxation. *Hilaire Belloc*. *Fort. Rev.* Apr., 1930.

Turkey. The passing of Islam in Turkey. *C. D. Brunton*. *English Rev.* May, 1930.

———. The regeneration of Turkey. I. *Caleb Frank Gates*. II. *Owen Tweedy*. *Current Hist.* June, 1930.

Unfair Competition. Methods of regulating unfair competition in Germany, England, and the United States. *Fritz E. Koch*. *Pa. Law Rev.* Apr., May, 1930.

INTERNATIONAL RELATIONS

Books

Adanya, Sima. Le régime international de l'Escaut. Pp. 146. Paris: Domat-Montchrétien.

Antipa, Gr. L'occupation ennemie de la Roumanie. (Carnegie Endowment for Int. Peace: Econ. and Soc. Hist. of the World War.) New Haven: Yale Univ. Press.

Armananzi, Najib. L'Islam et le droit international. Pp. 162. Paris: Picard.

Beauvoir, V. Le contrôle financier du gouvernement des États-Unis d'Amérique sur la république d'Haïti. Pp. 268. Paris: Sirey.

Benno, I. J. La situation internationale du canal de Suez. Lyon: Imp. Bosc.

Bittner, Ludwig, Pribram, Alfred F., u. Andere. Österreich-Ungarns Aussenpolitik von der bosnischen Krise 1908 bis zum Kriegsausbruch 1914. 8 vols. Vienna: Österreichischer Bundesverlag.

Böger, Marius. Die Immunität der Staatsschiffe. Pp. 215. Kiel: Verlag des Instituts für internationales Recht.

Bougenot, André. Le protocole de Genève, 1924. Pp. 212. Paris: Presses Universitaires.

Bustamente y Sirven, S. A. de. La mer territoriale. (Trad. de l'espagnol par P. Goulé.) Pp. 262. Paris: Sirey.

Cansacchi, G. P. Il papa e la società delle nazioni. Pp. 103. Turin: Bocca.

Cereti, Carlo. La tutela giuridica degli interessi internazionali. Pp. xi+183. Milan: Società editrice, Vita e Pensiero.

Clemenceau, Georges. Grandeur and misery of victory. (Translated by F. M. Atkinson.) N. Y.: Harcourt, Brace.

Collinet, Paul, and Stahl, Paul. Le revêtement de la France occupée. (Carnegie Endowment for Int. Peace: Econ. and Soc. Hist. of the World War.) New Haven: Yale Univ. Press.

Condliffe, J. B., ed. Problems of the Pacific, 1929: the institute of Pacific relations. Chicago: Univ. of Chicago Press.

Coste Floret, Georges. La situation internationale de la Norvège. Lyon: Imp. Bosc.

Coussange, Jacques de. Det slesvigske Spørgsmaal og Selvbestemmelsesretten. Pp. 211. Copenhagen: Slesvigsk Forlag.

Dawson, W. H. The future of empire: the world price of peace. Pp. 285. London: Williams & Norgate.

Denignes, Général. La farce du désarmement. Pp. 260. Paris: Tallandier.

Desbons, Georges. La Bulgarie après le traité de Neuilly. Pp. 464. Paris: Rivière.

Devedji, Alexandre. L'échange obligatoire des minorités grecques et turques en vertu de la convention de Lausanne. Pp. 231. Paris: Imp. du Montparnasse.

Douin, G., et Fawtier-Jones, Mme. L'Angleterre et l'Égypte. T. I. La politique mameluke. Pp. 500. Paris: Champion.

Dumas, Jacques. La responsabilité internationale des états à raison des crimes ou des délits commis sur leur territoire au préjudice d'étrangers. Pp. 477. Paris: Sirey.

Emin, Ahmed. Turkey in the world war. (Carnegie Endowment: Econ. and Soc. Hist. of the World War.) Pp. 328. New Haven: Yale Univ. Press.

Ferrero, Guglielmo. The unity of the world. Pp. 193. N. Y.: A. & C. Boni.

Gachon, Jean. La politique étrangère des États-Unis. Pp. 249. Paris: Alcan.

Gamio, Manuel. Mexican immigration to the United States. Chicago: Univ. of Chicago Press.

Halévy, Elie. The world crisis of 1914-1918. N. Y.: Oxford Univ. Press.

Hatschek, Julius. An outline of international law. London: Bell.

Heck, Philipp. Grundriss des Schuldrechts. Pp. xvi+492. Tübingen: J. C. B. Mohr.

Heckscher, Eli, Bergendal, Kurt, and Others. Sweden, Norway, Denmark and Iceland in the world war. (Carnegie Endowment: Econ. and Soc. Hist. of the World War.) New Haven: Yale Univ. Press.

Hesseltine, William Best. Civil war prisons: a study of war psychology. Columbus: Ohio State Univ. Press.

Huddleston, Sisley. What's right with America. Pp. 251. Philadelphia: Lippincott.

Hull, William I. The war method and the peace method. N. Y.: Revell.

Jaquin, Pierre. La question des minorités entre l'Italie et la Yougoslavie. Pp. 220. Paris: Sirey.

Janz, Friedrich. Die Entstehung des Memelgebietes. Berlin: Junge.

James, Edward H. Crossroads in Europe. Pp. 201. Geneva: Kundig.

Jouvenel, B. de. Vers les états-unis d'Europe. Paris: Libr. Valois.

Kantorowicz, Hermann. Der Geist der englischen Politik und das Gespenst der Einkreisung Deutschlands. Pp. 504. Berlin: Ernst Rowohlt.

Koch-Weser, Erich. Deutschlands Aussenpolitik in der Nachkriegszeit. Pp. 147. Berlin: Vowinkel.

Kurth, Godefroid. La nationalité belge. (3d ed.) Pp. 176. Brussels: Dewit.

Kybal, Vlastimil. Les origines diplomatiques de l'état tchécoslovaque. Pp. 107. Prague: Orbis.

Langhans-Ratzburg, Manfred. Die Wolgadeutschen, ihr Staats- und Verwaltungsrecht in Vergangenheit und Gegenwart. (Zugleich ein Beitrag zum bolschewistischen Nationalitätenrecht.) Pp. viii+192. Berlin: Osteuropa Verlag.

Lapradelle, A. de. Causes célèbres du droit des gens. La question des emprunts serbes devant la justice internationale. Pp. 560. Paris: Éd. Internationales.

Lapradelle, A. de. Causes célèbres du droit des gens. La réforme agraire tchécoslovaque devant la justice internationale. Pp. 432. Paris: Éd. Internationales.

Ledré, Charles. Les émigrés russes en France. Paris: Spes.

Le Fur, L. Le saint-siège et le droit des gens. Pp. 291. Paris: Sirey.

Le Gall, Robert. Le pacte de Paris du 27 août 1928. Pp. 160. Paris: Sirey.

Lehmann-Russbüdt, Otto. War for profits. (Translated and edited by Pierre Loving.) Pp. 175. N. Y.: Alfred H. King.

Lenin, Nikolai. The imperialist war: the struggle against social-chauvinism and social-pacifism, 1914-1915. (Collected Works of V. I. Lenin, vol. 18.) Pp. 496. N. Y.: Int. Pubs.

Lindberg, John S. The background of emigration to the United States. Pp. 272. Minneapolis: Univ. of Minn. Press.

Marcus, Ernst. Palästina—ein werdender Staat. Pp. xix+328. Leipzig: Robert Noske.

Margalith, Aaron M. The international mandates. (Johns Hopkins Univ. Studies.) Pp. ix+242. Baltimore: Johns Hopkins Press.

Martin, Charles E., and Leebrick, K. C., eds. The Pacific area. Pp. xiii+405. Seattle: Univ. of Wash. Press.

Mircea Nome, Jean. Essai critique sur la thèse officielle américaine concernant les dettes interalliées. Pp. 306. Paris: Blanchard.

Morgenthau, Henry. An international drama. Pp. 288. London: Jarrolds.

Munch, P. Die Volkerbundspolitik der drei nordischen Staaten. Berlin: Stilke.

Myers, Denys P. The reparation settlement. Pp. 249. World Peace Foundation Pamphlets. Vol. XII, no. 5 (1929).

Nassen, Peter, u. Keichel, Dr. Deutschlands Reparationslasten (Young-Plan und Haager Abmachung). Berlin: Carl Heymann.

Nicolson, Harold. Die Verschwörung der Diplomaten. Frankfurt: Buchverlag der Frankfurter Societätsdruckerei.

Olivi, Augusto. La dottrina della guerra e i suoi limiti giuridici nel diritto internazionale. Pp. 168. Modena: Ferraguti.

Oillet, Paul. La banque internationale. Bruxelles: L'Eglantine.

Pahl, Rudolf. Das völkerrechtliche Kolonial-Mandat. Pp. 223. Berlin: Otto Stolberg Verlag.

Picavet, C. G. La diplomatie française sous Louis XIV. Paris: Alcan.

Polson Newman, E. W. Britain and the Baltic. Pp. xii+275. London: Methuen.

Prescott, D. A. Education and international relations. (Harvard Studies in Education, vol. 14.) Pp. 177. Cambridge: Harvard Univ. Press.

Quadri, A. La cittadinanza della donna maritata. Pp. 172. Pérouse: La Nuova Italia.

Raab, F. Die Ergebnisse der Haager Konferenz. Pp. 118. Berlin: Reimar Hobbing.

Radl, Emmanuel. Der Kampf zwischen Tschechen und Deutschen. Pp. iv+208. Reichenberg: Verlag Stiepel.

Radoslawoff, V. Die Revision der Friedensverträge. Pp. 119. Berlin: Georg Stilke.

Ray, J. Commentaire du pacte de la société des nations, selon la politique et la jurisprudence des organes de la société. Pp. 717. Paris: Sirey.

Reale, Egidio. Le régime des passeports et la société des nations. Pp. 226. Paris: Rousseau.

Reck, Th. Freiherr von. Lösung der römischen Frage. Berlin: Carl Heymann.

Reuter, Rudolf. Das Recht der Staatsangehörigkeit in Dänemark. Pp. 124. Stuttgart: Ferdinand Enke.

Rességuier, Guy de. Les sanctions militaires de la société des nations. Pp. 141. Paris: Presses Universitaires.

Roddes, Jean. La minorité allemande en Haute-Silésie polonaise. Pp. 205. Paris: Presses modernes.

Rühland, Curt. System der völkerrechtlichen Kollektivverträge, als Beitrag zur Kodifikation des Völkerrechts. Pp. 104. Berlin: Georg Stilke.

Salmon-Ricci, Charlotte. La naturalisation des étrangers en France. Pp. 212. Paris: Libr. des Jurisclasseurs.

Schätzel, Walter. Die elsass-lothringische Staatsangehörigkeitsregelung und das Völkerrecht. Berlin: Georg Stilke.

Scherer, Hans. Das Vergleichsverfahren der Bryan'sche Friedensplan und seine Fortentwicklung bis zur Neuzeit. Pp. vi+121. Rostock: Carl Hinstorff.

Schwarzenberger, Georg. Das Völkerbunds-Mandat für Palästina. Pp. 102. Stuttgart: Ferdinand Enke.

Seeckt, General von. The future of the German empire. (Translation by Oakley Williams.) Pp. 188. London: Butterworth.

Sforza, Count Carlo. Makers of modern Europe. Indianapolis: Bobbs-Merrill.

Spaight, J. M. Air power and the cities. London: Macmillan.

Spiropoulos, Jean. Théorie générale du droit international. Paris: Libr. gén. de Droit et de Juris.

Stragos. Les finances de guerre de la Grèce. Pp. 240. Paris: Mechelinck.

Streit, Dr. Le pacte de Lausanne et l'échange de population greco-turque. Berlin: Georg Stilke.

Strupp, Karl. La situation juridique des Macédoniens en Yougoslavie. Pp. 140. Paris: Presses Universitaires.

Topf, Erich. Die Staatenbildungen in den arabischen Teilen der Türkei seit dem Weltkriege. Pp. 260. Hamburg: Friedrichsen, de Gruyter.

Tostain. Le traité politique du latran et la personnalité en droit international public. Pp. 153. Paris: Spes.

Ullein, Antar. La nature juridique des clauses territoriales du traité de Trianon. Pp. 190. Paris: Pedone.

Wentzcke, Paul. Ruhrkampf. Pp. 490. Berlin: Hobbing.

Wheeler-Bennett, John W., ed. Documents on international affairs, 1928. Pp. xiii+254. Oxford: Univ. Press.

Wright, R. F. Medieval internationalism. Pp. 238. London: Williams & Norgate.

Zepf, Karl. Die Staatsangehörigkeit der verheirateten Frau. Pp. 125. Tübingen: Kommissionsverlag der Tübinger Chronik.

Zimmern, Alfred. Empire britannique et société des nations. Paris: Gamber.

Articles

Africa. L'enigme de l'Afrique. *Maurice Pottecher.* L'Algérie pendant la guerre. *Octave Depont.* Le conflit franco-algérien. *A. Daudé-Bancel.* Grande Rev. Mar., Apr., 1930.

———. France and north Africa. *Percy Cross Standing.* Contemp. Rev. May, 1930.

———. La colonisation européenne en Afrique. Rev. Pol. et Parl. May, 1930.

American Foreign Policy. Imperialismo economico americano. *Paola Maria Arcari.* Politica. Oct.-Dec., 1929.

———. America's bid for world trade. II. The tactics. *Ignatius Phayre.* Quar. Rev. Apr., 1930.

———. Foreign policy. *Quincy Wright.* Am. Jour. Sociol. May, 1930.

Antarctica. The grab for Antarctica. *A British Editor.* Liv. Age. June 1, 1930.

Arbitration. Progress in settlement of international disputes by judicial methods. *Fred K. Nielsen.* Am. Bar Assoc. Jour. Apr., 1930.

———. Un conflit international soumis à l'arbitrage: la question franco-suisse des zones franches. *Pierre Bernus.* L'Esprit Int. Apr., 1930.

Armenia. The Armenians—yesterday and today. *H. Charles Woods.* Contemp. Rev. Apr., 1930.

Aviation. Aviation and international law. *Manley O. Hudson.* Am. Jour. Int. Law. Apr., 1930.

Balkans. Souvenirs diplomatiques. V. *T. G. Djuvara.* Rev. Sci. Pol. Jan.-Mar., 1930.

———. Post-war tangles in southeastern Europe. *C. A. Macartney.* Current Hist. June, 1930.

Baltic. Die Politik der Sowjetunion gegenüber den baltischen Staaten. *Hans von Rimscha.* Europäische Gespräche. Apr., 1930.

———. Ostseepolitische Gemeinsamkeiten. *Werner Hasselblatt*. Deutsche Rundschau. Apr., 1930.

Canadian Border. Step-Uncle Sam: a Canadian looks across the border. *Leslie Roberts*. Harper's. June, 1930.

China. La Chine contre les puissances. *A. Legendre*. Rev. Paris. May 1, 1930.

Codification. Progress in the codification of the law of the responsibility of states. *Clyde Eagleton*. Deutsche Materialien zur Haager Völkerrechtskodifikationskonferenz. Zeitschrift für Völkerrecht. XV. Band. Heft 3 (1930).

Conference. International conference. *George Wharton Pepper*. Sat. Eve. Post. May 24, 1930.

Consular Service. The nature of the consular establishment. *Julius I. Puente*. Pa. Law Rev. Jan., 1930.

Danzig. German and Polish conflicting interests. *Mary E. Townsend*. Current Hist. May, 1930.

De Facto Governments. Responsibility for acts and obligations of de facto governments. *N. D. Houghton*. U. S. Law Rev. May, 1930.

Diplomacy. Diplomacy old and new. *E. J. Phelan*. Century. Spring, 1930.

———. Botschafter und Militärattaché. *Friedrich Thimme*. Europäische Gespräche. Mar., 1930.

———. The diplomatic monographs of the Mexican government. *J. Fred Rippy*. Hisp. Am. Hist. Rev. May, 1930.

———. Diplomatic immunity: liability insurance. *Florence Hodel*. Cornell Law Quar. June, 1930.

Disarmament. The ultimate politics of the conference. *Norman Angell*. Contemp. Rev. Mar., 1930.

———. Fragwürdige Gleichheit. *Winston Churchill*. Flottenkonferenz und Volkerbundpakt. *Henry Lémyery*. Nord und Süd. Mar., 1930.

———. The bristling parapet of peace: how France is fortifying her frontiers. *George Adam*. Century. Spring, 1930.

———. The predominant surface ship. Quar. Rev. Apr., 1930.

———. Limitation of land armaments. *David Woodward*. For. Pol. Assoc. Information Service. Apr. 2, 1930.

———. Stimson's report on London. Where London leaves us. *Editor*. New Repub. Apr. 23, 30, 1930.

———. Britain's link with Europe. The oceanic powers. "Augur." Fort. Rev. Apr., May, 1930.

———. Die Klärung in London. Zwischen London und Genf. *Richard Kleineibst*. Sozialistische Monatshefte. Apr., May, 1930.

———. La question de la parité navale franco-italienne. *H. Meunier*. Après la conférence navale de Londres. *Henri Michel*. Rev. Pol. et Parl. Apr., May, 1930.

———. Why navies won't be reduced. What was wrong at the London conference? Britannia shares the waves. *Frank H. Simonds*. Rev. of Revs. Apr., May, June, 1930.

———. The naval conference and after. *S. R. Drury-Lowe*. Contemp. Rev. May, 1930.

———. Le bilan de la conférence de Londres. *L. Dumont-Wilden*. Rev. Bleue. May 3, 1930.

———. Actualities at London: what the three-power pact means. *Jonathan Mitchell*. Outlook. May 14, 1930.

———. La conferenza di Londra. *Francesco Tommasini*. Nuova Antologia. May 16, 1930.

———. The London naval conference. *William T. Stone*. For. Pol. Assoc. Inf. Service. May 28, 1930.

———. The end of the naval conference. *K. G. B. Dewar*. The naval treaty. *Herbert Sidebotham*. Nine. Cent. May, June, 1930.

———. Disarmament pact between the United States and Canada. *Mabel Powers*. The London naval conference. *John B. Whitton*. How the result is viewed in each nation. I. The United States. *David Jayne Hill*. II. Great Britain. *H. Wickham Steed*. III. France. *J. Docteur*. IV. Italy. *Carlo Schanzer*. V. Japan. *K. K. Kawakami*. Text of the naval treaty. Current Hist. May, June, 1930.

———. France wins at London. *Robert Dell*. The joker in the naval treaty. *David W. Wainhouse*. Japan and the naval pact. *K. K. Kawakami*. Nation. May 7, 28, June 25, 1930.

———. The naval fumble. *Raymond Leslie Buell*. Forum. June, 1930.

———. Strategies of peace. *Wickham Steed*. Liv. Age. June 1, 1930.

———. Naval conference consequences. *William Hard*. Sat. Eve. Post. June 7, 1930.

———. Armament and its future use. *B. H. Liddell Hart*. Politics and ships at London. *Charles P. Howland*. Yale Rev. Summer, 1930.

Disputes. The essential nature of international disputes. *J. L. Brierly*. Va. Law Rev. Apr., 1930.

Economic Organization. Essai sur l'organisation et l'activité économique de la société des nations. *René Courtin*. Rev. d'Écon. Pol. Sept.-Oct., 1929.

———. La conférence de Genève en vue d'une action économique concertée. *Jean Proix*. Rev. Pol. et Parl. May, 1930.

Egypt. Il trattato anglo-egiziano. *Mario Paulucci*. Politica. Oct.-Dec., 1929.

———. England and Egypt. *Earl Winterton*. Nine. Cent. June, 1930.

Enemy Corporations. Determination of enemy character of corporations. *Ralph A. Norem*. Am. Jour. Int. Law. Apr., 1930.

Europe. The united states of Europe. *William Martin*. Contemp. Rev. Mar., 1930.

———. Österreich, Deutschland und Europa. *Dr. Schober*. Nord und Süd. Mar., 1930.

———. Die geistige Krise der europäischen Politik. *Hermann Ullmann*. Kunstwart. Apr., 1930.

———. The U. S. of Europe. *Frank Bohn*. Forum. May, 1930.

———. Will Europe "unite to prosper"? *Editor*. New Repub. May 28, 1930.

———. Les états-unis français. *Comte de Fels*. Rev. Paris. June 1, 1930.

Extradition. Extradition. *W. J. O' Hearn*. Canadian Bar Rev. Mar., 1930.

———. Principles of international extradition in Latin America. *Julius I. Puente*. Mich. Law Rev. Apr., 1930.

Extraterritoriality. Some legal consequences if extraterritoriality is abolished in China. *Quincy Wright*. *Am. Jour. Int. Law.* Apr., 1930.

Foreign Investments. Prosperity and foreign investments: a summary of U. S. foreign investments in 1929. *Max Winkler*. *For. Pol. Assoc. Inf. Service*. May, 1930 (vol. VI, supp. no. 1).

Freedom of Seas. *Seeherrschaft und Freiheit der Meere*. *William E. Borah*. *Nord und Süd*. Mar., 1930.

———. Freedom of the seas. *Sir Richard Webb*. *History*. Apr., 1930.

———. Freedom of the seas. *Viscount Grey of Fallodon*. *For. Affairs*. Apr., 1930.

Haiti. American achievements in Haiti. *R. Nelson Fuller*. An inside view of revolutions in Haiti. *John H. Allen*. Haiti's new status. *Charles W. Hackett*. *Current Hist.* Apr., May, 1930.

International Labor Organization. *Ergebnisse der jüngsten internationalen Arbeitkonferenzen*. *H. Fehlinger*. *Annalen des deutschen Reichs*. No. 1-3, 1929.

———. *Zehn Jahre internationalen Lebens*. *Albert Thomas*. *Nord und Süd*. Apr., 1930.

———. Ten years of disarmament through labor legislation. *Alice S. Cheyney*. *Social Forces*. June, 1930.

International Law. A proposed code of international criminal law. *Albert Levitt*. *Rev. Int. Droit Pénal*. No. 1, 1929.

———. Il concetto sovietista di diritto internazionale. *G. Filippucci-Giustiniani*. *Politica*. Oct.-Dec., 1929.

———. Newer methods in the development of international law. *S. Gale Lowrie*. *Cincinnati Law Rev.* Mar., 1930.

———. La déclaration des droits internationaux de l'homme. *André Mandelstam*. *L'Esprit Int.* Apr., 1930.

———. The influence of mental reactions on the development of international law. *Charles Cheney Hyde*. The access of individuals to international courts. *Edwin M. Borchard*. *Am. Jour. Int. Law.* Apr., 1930.

Islam. L'Islam est-il immuable? *Abdelkader Hadj Hamou*. *Mercure de France*. May 1, 1930.

League of Nations. Toward a self-governing world: five functions of the league of nations. *Edward Dumbauld*. *Int. Jour. Ethics*. Oct., 1929.

———. Della richiesta della delegazione cinese alla X^a assemblea della società delle nazioni. *Emilio Morpurgo*. *Rev. Droit Int. Sci. Dipl. et Pol.* Oct.-Dec., 1929.

———. Le double imposition et les travaux de la S. D. N. *A. N. Sack*. *Rev. Gén. Droit Int. Pub.* Jan.-Apr., 1930.

———. World government: a dream or a necessity. *Salvador de Madariaga*. *Century*. Spring, 1930.

———. The United States and the league of nations. I. Early attitude towards the peaceful settlement of international disputes. II. Early efforts towards international organization. III. The American league to enforce peace. IV. The establishment of the league and American public opinion. V. American influence in the drafting of the covenant. *Clarence A. Berdahl*. *League of Nations Chronicle*. Feb., Mar., Apr., May, June, 1930.

- . From Serajevo to Geneva. *Leonard Woolf*. Pol. Quar. Apr., 1930.
- . Janus at Geneva. *Salvador de Madariaga*. Liv. Age. May 15, 1930.
- Manchuria.** Manchuria in the Kyoto conference. *Hsü Shuhsi*. American policy on the Chinese Eastern railway dispute. *Stanley K. Hornbeck*. Chinese Soc. and Pol. Sci. Rev. Jan., 1930.
- Mandates.** The mandate system in Germany's lost colonies. *Heinrich Schnee*. Current Hist. Apr., 1930.
- . New Zealand's troubles in western Samoa. *J. B. Condliffe*. For. Affairs. Apr., 1930.
- . England and the coming Arab federation. *Sirdar Ikbal Ali Shah*. Contemp. Rev. May, 1930.
- . Ibn Sa'oud, roi du Hedjaz et du Nedjd. *Berthe Georges-Gaulis*. Rev. Paris. June 1, 1930.
- Mediterranean.** France and Italy in the Mediterranean. *Vera Micheles Dean*. For. Pol. Assoc. Information Service. Mar. 19, 1930.
- . La France, l'Italie et la Yougoslavie. *Lazare Marcovitch*. L'Esprit Int. Apr., 1930.
- . Franco-Italian discord. *Robert C. Binkley*. Current Hist. June, 1930.
- Minorities.** The protection of minorities. *Radhakumud Mookerji*. Mod. Rev. Aug., 1929.
- . La situation juridique des Macédoniens en Yougoslavie. *G. P. Guenov*. Rev. Droit Int. Sci. Dipl. et Pol. Oct.-Dec., 1929.
- . Il diritto internazionale delle minoranze (*continuazione*). *P. A. Sereni*. Riv. Diritto Int. Jan.-Mar., 1930.
- . La situation des minorités en Allemagne. *J. Coussanges*. Rev. Bleue. May 17, 1930.
- Monroe Doctrine.** The recrudescence of the Monroe doctrine. *James Wilford Garner*. Pol. Sci. Quar. June, 1930.
- Nationality.** Presumption of cessation of citizenship: its effect on international claims. *Margaret Lambie*. Am. Jour. Int. Law. Apr., 1930.
- . No man can serve two masters. *Isaac F. Marcossou*. Sat. Eve. Post. Apr. 12, 1930.
- Neutrality.** Neutrality during the European wars of 1792-1815. *Charles S. Hyneman*. Am. Jour. Int. Law. Apr., 1930.
- Nicaragua Canal.** Is a second canal necessary? *John F. Stevens*. For. Affairs. Apr., 1930.
- . Must Uncle Sam build a Nicaragua canal? *William Kilmer*. Rev. of Revs. May, 1930.
- Oil Policy.** La politique française du pétrole. Veut-on faire le jeu des étatistes? *François Lescazes*. Nouvelle Rev. June 1, 1930.
- Opium Traffic.** The league and the opium traffic. *Editor*. New Repub. June 18, 1930.
- Outlawry of War.** Le pacte Kellogg. *François Vandy*. Les amendements au pacte de la S. D. N. *Gallus*. Rev. Gén. Droit Int. Pub. Jan.-Apr., 1930.
- . The league covenant and the Kellogg pact. *Editor*. New Repub. Apr. 23, 1930.
- Pacific.** The Kyoto conference. Round Table. Mar., 1930.

———. The Kyoto conference of the institute of Pacific relations. *Chester H. Rowell*. Int. Conciliation. May, 1930.

———. The Kyoto conference of the institute of Pacific relations. *Quincy Wright*. Am. Pol. Sci. Rev. May, 1930.

Palestine. The future in Palestine. *Henry Hurwitz*. American public opinion on Palestine. *Louis Berg*. Foundations of Arab-Jewish peace. *Maurice Samuel*. The Palestine press and the attacks. *Louis Berg*. Great Britain and the Palestinian mandate. *Henry Noel Brailsford*. Some lessons of the Palestine events. *Abraham Revutsky*. Caesar and the appeal of massacre: a commentary on the Palestine commission report. *Henry Noel Brailsford*. Menorah Jour. Oct., Nov., Dec., 1929; Jan., May, 1930.

———. La Palestine et la déclaration Balfour. *Pierre Crabités*. Rev. Pol. et Parl. Apr., 1930.

———. The Palestine report. *H. Charles Woods*. Contemp. Rev. May, 1930.

———. The tragedy of Palestine. *Lord Sydenham of Combe*. "The tragedy of Palestine:" a reply. *Israel Cohen*. Nine. Cent. May, June, 1930.

Panama. The ratification of the Thomson-Urrutia treaty. *Watt Stewart*. Southwestern Pol. and Soc. Quar. Mar., 1930.

Peace Organization. Pioneers of peace. *Merle Eugene Curti*. N. Am. Rev. May, 1930.

Platt Amendment. The Platt amendment. *Cosme de la Torriente*. For. Affairs. Apr., 1930.

———. The United States and the Cuban revolution of 1917. *Leo J. Meyer*. Hisp. Am. Hist. Rev. May, 1930.

Poland. Deutschland und Polen. *A. Mendelssohn Bartholdy*. Wege eines deutsch-polnischen Ausgleichs. *Georg Cleinow*. Europäische Gespräche. Apr., 1930.

———. Les relations polono-hongroises en 1920. *Louis Villat*. Rev. Mon-diale. May 15, 1930.

Prisoners of War. Das neue internationale Kriegsgefangenen-Recht. *Clemens Plassmann*. Zeitschrift für Völkerrecht. XV. Band. Heft 3 (1930).

Prize Courts. British prize courts and dominion of the seas. *Charles F. Carusi*. Nat. Univ. Law Rev. May, 1930.

Red Cross. Pour la constitution d'une croix-rouge internationale. *Jean Gaultier*. Correspondant. Apr. 10, 1930.

Reparations. Piano Young, protocolli dell'Aja e banca delle riparazioni. *Giuseppe Paratore*. Politica. Oct.-Dec., 1929.

———. The final reparations settlement. *Thomas W. Lamont*. For. Affairs. Apr., 1930.

———. Youngplan.—Was nun? *August Müller*. Die internationale Bank. *Dr. Dalberg*. Nord und Süd. Apr., 1930.

———. Our interest in the reparation problem. *E. L. Bogart*. Atlan. M. Apr., 1930.

———. La liquidation de la guerre et les accords de la Haye. *Maurice Pernot*. L'Esprit Int. Apr., 1930.

———. The settlement of the reparation problem. *George A. Finch*. Am. Jour. Int. Law. Apr., 1930.

———. *La banque des règlements internationaux.* Paul-Gérard West. Rev. Paris. May 1, 1930.

———. *The reparation settlement of 1930.* Harry D. Gideonse. For. Pol. Assoc. Inf. Service. May 14, 1930.

———. *Reparation payments in perspective.* Alzada Comstock. Am. Econ. Rev. June, 1930.

Responsibility. Responsibility of the United States on maritime claims arising out of the operation of government-owned vessels. *Case and Comment Editor.* Yale Law Jour. June, 1930.

Rhine. *Tribunaux de navigation et commission du Rhin.* F. Corthésy. Rev. Gén. Droit Int. Pub. Jan.-Apr., 1930.

———. *The British summary court in the Rhineland.* Norman Parkes. Nine. Cent. Apr., 1930.

Russia. The recovery of the foreign assets of nationalized Russian corporations. *George Nebolsine.* Yale Law Jour. June, 1930.

Saar. The league of nations and the Saar. *Harold V. Villard.* S. Atlan. Quar. July, 1929.

Shantung. The Shantung intervention. *Wang Ching-Chun.* Chinese Soc. and Pol. Sci. Rev. Jan., 1930.

Submarine. *Die Unterseebootfrage.* Guglielmo Ferrero. Nord und Süd. Mar., 1930.

Tariff. *L'union douanière européenne et l'organisation de la paix.* Yves Le Trocquer. L'Esprit Int. Apr., 1930.

Turkestan. *Das turkistanische Problem.* Validi Ahmet-Zeki. Deutsche Rundschau. Apr., 1930.

Vatican. American consuls to the papal states, 1797-1870. *Leo Francis Stock.* Catholic Hist. Rev. Oct., 1929.

———. *Roma, il cristianesimo, il cattolicesimo e l'Italia.* Francesco Coppola. Politica. Oct.-Dec., 1929.

———. *The Roman question, Leo XIII, and Signor Mussolini.* N. V. Tcharykow. Contemp. Rev. Mar., 1930.

———. *Cardinal Gasparri.* Walter Littlefield. Current Hist. Apr., 1930.

———. *Das Staatssekretariat Gasparri 1914-1930.* Maximilian Claar. Europäische Gespräche. May, 1930.

———. *La solution de la question romaine.* De Lanzac de Laborie. Correspondant. May 10, 1930.

Vilna. *La question lithuanienne.* J. Makowski. Rev. Gén. Droit Int. Pub. Jan.-Apr., 1930.

War Debts. A few kind words for Uncle Sam. *Bernard M. Baruch.* Sat. Eve. Post. Apr. 5, 1930.

World Court. *Le funzioni consultive della corte permanente di giustizia internazionale.* L. Meriggi. Riv. Diritto Int. Jan.-Mar., 1930.

———. *The permanent court of international justice.* Charles S. Deneen. Com. Law League Jour. Apr., 1930.

———. *The eighth year of the permanent court of international justice.* Manley O. Hudson. Int. Conciliation. Apr., 1930.

———. *The conciliatory powers of the world court; case of the free zones of*

upper Savoy. *Arthur K. Kuhn*. Revising the statute of the permanent court of international justice. *Philip C. Jessup*. *Am. Jour. Int. Law.* Apr., 1930.

———. La controverse franco-suisse des zones et le droit des gens. *Olaf Hoijer*. *Correspondant*. May 25, 1930.

———. The world court. *Frank B. Kellogg*. *Minn. Law Rev.* June, 1930.

World War. Das britische Kabinett in der Julikrise 1914. *Hermann Lutz*. *Zeitschrift für Politik*. No. 1, 1929.

———. "Juillet 1914." *René Seydoux*. Les mémoires du chef de l'espionnage allemand. *J. Maupas*. *Rev. Sci. Pol.* Jan.-Mar., 1930.

———. Die österreichische Aktenpublikation. *Hans Uebersperger*. *Europäische Gespräche*. Mar., 1930.

———. American intervention in Russia in 1918. I. The American government's policy. *Anon.* II. The story of the A. E. F. in northern Russia. *Ernest Reed*. III. Waging war in "frozen hell." *Gordon W. Smith*. *Current Hist.* Apr., 1930.

———. Clemenceau ou l'homme de guerre. *Georges Guy-Grand*. *Mercure de France*. Apr. 1, 1930.

———. Études diplomatiques.—L'entente et la Roumanie en 1915. *Albert Pingaud*. *Rev. Deux Mondes*. May 1, 1930.

———. L'archiduc François-Ferdinand. *Comte Sforza*. *Rev. Paris*. May 1, 1930.

———. Roosevelt and the war. *Owen Wister*. *Harper's*. June, 1930.

———. Dansk Militærpolitik under Verdenskrigen. *Edv. Brandes*. *Tilskueren*. June, 1930.

———. Journal d'un bourgeois américain durant la guerre. *G. N. Tricoche*. *Rev. Mondiale*. June 1, 1930.

JURISPRUDENCE

Books

Asbury, Herbert. The gangs of New York: an informal history of the underworld. Pp. 418. Garden City: Doubleday, Doran.

Ascoli, Maz. La interpretazione delle leggi. Pp. 148. Roma: Soc. Ed. "Athenaeum."

Bailey, K. H. A defence of jurisprudence. London: Macmillan.

Beceña, Francisco. Magistratura y justicia. Pp. 419. Madrid: Libr. Victoriano Suarez.

Beck, James M. May it please the court. (Edited by O. R. McGuire.) Atlanta: Harrison Co.

Bonnecase, Julien. Traité théorique et pratique de droit civil. Supplément. T. V. Pp. 879. Paris: Sirey.

Braas, Ad. Précis de procédure civile belge. Paris: Libr. gén. de Droit et de Juris.

Bry, G. Principes de droit romaine. Pp. 275. Paris: Sirey.

Burke, Dorothy Williams. Youth and crime: study of the prevalence and treatment of delinquency among boys over juvenile-court age in Chicago. (Children's Bureau Pub. 196.) Pp. 210. Washington: Govt. Printing Office.

Cosentini, Francesco. Código civil pan-americano. Pp. 184. Havana: Vox Populorum.

- Cucinotta, Ernesto.* Istituzioni di diritto coloniale italiano. Roma: Soc. An. Tip. Castaldi.
- Escarra, Jean.* Code pénal de la république de Chine. Pp. 214. Paris: Giard.
- Hacker, Ervin.* Kriminalitás és bevándorlás. (Criminality and immigration.) Pp. x+270. Budapest: Dunántúl Egyetemi Nyomdája Pécssett.
- His, Rudolph.* Geschichte des deutschen Strafrechts bis zum Karolina. Pp. xiv+188. Munich: R. Oldenbourg.
- Jöckel, W.* Hans Kelsens Rechtstheoretische Methode. Pp. viii+213. Tübingen: J. C. B. Mohr.
- Keeton, G. W.* The elementary principles of jurisprudence. Pp. xii+324. London: A. & C. Black.
- Kocourek, Albert.* An introduction to the science of law. Pp. xii+343. Boston: Little, Brown.
- Landman, Jacob Henry.* The case method of studying law: a critique. N. Y.: G. A. Jennings Co.
- McIntosh, Atwell Campbell.* North Carolina practice and procedure in civil cases. 2 vols. Pp. vii+682; viii+683-1228. St. Paul: West Pub. Co.
- Macdonell, Sir John, and Manson, Edward.* Great jurists of the world. Pp. xviii+608. London: John Murray.
- Messina, S.* Traité de droit civil égyptien mixte. T. III. Pp. 401. Alexandria: Lib. jud. "Au bon libre."
- Mohamed Fouad Ismail Mohanna.* Le rôle du juge dans le droit anglais et dans le droit de l'Islam comparés. Pp. 405. Paris: Rousseau.
- Orebaugh, David A.* Crime, degeneracy and immigration: their interrelations and interactions. Pp. 288. Boston: Badger.
- Shaw, Clifford R., and Others.* Delinquency areas. Pp. 214. Chicago: Univ. of Chicago Press.
- Thot, Dott Ladislao.* Il diritto penale anglo-americano. Rome: Città di Castello.
- Walsh, C.* Crime in India. Pp. 288. London: Benn.
- Williamson, Roland.* The law library in the capitol, Washington, D. C. Pp. viii+281. Washington: John Byrne & Co.
- Williston, Samuel.* Some modern tendencies in the law. Pp. 167. N. Y.: Baker, Voorhis & Co.

Articles

- Appeals.** The problems of appellate courts. *Walter F. Dodd.* Intermediate appellate courts. *Edson R. Sunderland.* Am. Law School Rev. Mar., 1930.
- . The proper function of an appellate court. *Edson R. Sunderland.* Ind. Law Jour. Apr., 1930.
- . A survey of appealed cases in Missouri in 1923-24. *Ruth E. Bates.* St. Louis Law Rev. Apr., 1930.
- Arbitration.** Arbitration in England and Germany. I. *R. Kahn.* Jour. Comp. Legis. and Int. Law. Feb., 1930.
- . Compulsory commercial arbitration and the Sherman act. *Case and Comment Editor.* Yale Law Jour. Apr., 1930.
- Arrests.** The right to kill in making arrests. *Karl G. Pearson.* Mich. Law Rev. June, 1930.

- Bar. Bar associations. *Philip J. Wickser*. Cornell Law Quar. Apr., 1930.
- . A program of growth for our bar association. *B. H. Kizer*. Jour. Am. Judicature Soc. Apr., 1930.
- . On raising the requirements for admission to the bar. *Herbert Nace*. Com. Law League Jour. Apr., 1930.
- . Summary remedies against attorneys at law. *Note Editor*. Harvard Law Rev. May, 1930.
- . Suggestions for reorganization in the American bar. *H. Glenn Kinsley*. The responsibility of the bar for the administration of justice. *Henry Upson Sims*. Am. Bar Assoc. Jour. May, June, 1930.
- Case Method. Problems of the case method. *Oliver S. Rundell*. Am. Law School Rev. Mar., 1930.
- Chinese Code. The civil code of China. *R. C. W. Sheng*. General principles of the Chinese civil code. *Ching-lin Hsia* and *James L. E. Chow*. China Law Rev. Apr., 1930.
- Code Napoleon. Napoleon and the French commercial code. *Pierre Crabitès*. Am. Bar Assoc. Jour. Apr., 1930.
- Common Law. British statutes in American jurisdictions. *Frederick G. McKean, Jr.* Pa. Law Rev. Dec., 1929.
- . Unscrambling the common law. *Dudley Cammett Lunt*. World's Work. May, 1930.
- . "The law of laws." *Frederick G. McKean, Jr.* Pa. Law Rev. June, 1930.
- Conciliation. Conciliation as a function of the judge. *Frank H. Randall*. Ky. Law Jour. May, 1930.
- Conflict of Laws. Public policy in the law of conflicts. *Herbert F. Goodrich*. W. Va. Law Quar. Feb., 1930.
- . Les accords du latran et le droit international privé. *J. Valéry*. Jour. Droit Int. Mar.-Apr., 1930.
- . Russian law in the conflict of laws. *M. S. L. Mich.* Law Rev. Apr., 1930.
- . The conflict of laws of Germany. *Ernest G. Lorenzen*. Yale Law Jour. Apr., 1930.
- . Iowa annotations to the restatement of conflict of laws. *Claude H. Brown*. Ia. Law Rev. Apr., June, 1930.
- . The pan-American code of private international law. *Ernest G. Lorenzen*. Tulane Law Rev. June, 1930.
- . Distinguishing substance and procedure in the conflict of laws. *H. L. McClintock*. Pa. Law Rev. June, 1930.
- Constitutional Law. Zum System einer Verfassungslehre. *Hermann Jahrreiss*. Archiv Rechts- u. Wirtschaftsphilosophie. Apr., 1930.
- Crime. Crime in the United States. Round Table. Mar., 1930.
- . The social scientist and the criminal law. *Wayne L. Morse*. Commonwealth Rev. Mar., 1930.
- . On the criminal side. *Richard Washburn Child*. Sat. Eve. Post. Apr. 5, 1930.
- . Crime. *Arthur Evans Wood*. Am. Jour. Sociol. May, 1930.

———. Crime commissions and criminal procedure in the United States: a bibliography. *Esther Conner*. Jour. Crim. Law and Crim. May, 1930.

———. Gland-made criminals. *Marie Beynon Ray*. World's Work. June, 1930.

Delays. The law's delays—some procedural changes. *C. V. Ridgely*. Ind. Law Jour. Mar., 1930.

———. Speed in the administration of justice. *John F. Simms*. Am. Bar Assoc. Jour. May, 1930.

———. Swifter and saner justice. *Dudley Cammett Lunt*. World's Work. June, 1930.

Dissenting Opinions. Dissenting opinions. *Joseph M. Proskauer*. Harper's. Apr., 1930.

Equity. The origin of equity. III. *Charles A. Keigwin*. Georgetown Law Jour. Mar., 1930.

———. Should the court of chancery remain separate? *V. A. Griffith*. Miss. Law Jour. May, 1930.

Indeterminate Sentence. The indeterminate sentence and parole in Ontario. *Judge Coatsworth*. Canadian Bar Rev. Apr., 1930.

Industrial Law. Persons and industrial law. *Barbara N. Armstrong*. Calif. Law Rev. Mar., 1930.

Insanity. Insanity and the law. *Anthony M. Turano*. Am. Mercury. Apr., 1930.

Institute of Law. Policy and program of the Johns Hopkins institute of law. *Edwin G. Baetjer*. Am. Bar Assoc. Jour. May, 1930.

Judge. The judge as man of the world. *C. K. Allen*. Law Quar. Rev. Apr., 1930.

———. Self-analysis and judicial thinking. *Harold D. Lasswell*. Int. Jour. Ethics. Apr., 1930.

Judicial Reform. La reforma judicial. *Manuel Martinez Feduchy*. Rev. Gen. Legis. y Juris. Mar., 1930.

Judicial Statistics. The collection of judicial statistics in West Virginia. *T. W. Arnold*. W. Va. Law Quar. Feb., 1930.

Jury System. Le jury criminel en Indochine. *H. Sadoul*. Rev. Sci. Pol. Jan.-Mar., 1930.

———. The special verdict as an aid to the jury. *John W. Staton*. Jour. Am. Judicature Soc. Apr., 1930.

———. Exemptions from jury service and challenges for cause in Missouri. *Robert E. Rosenwald*. St. Louis Law Rev. Apr., 1930.

———. Optional waiver of jury in felony trials in recorder's court, Detroit, Michigan. *W. Abraham Goldberg*. Jour. Crim. Law and Crim. May, 1930.

———. Judge and jury. *Richard Washburn Child*. Sat. Eve. Post. May 10, 1930.

Law Enforcement. Factors in law enforcement. *Ray Erwin Baber*. Social Forces. Dec., 1929.

———. The Englishman and the law. *Edwin Deller*. The American and the law. *T. V. Smith*. Int. Jour. Ethics. Apr., 1930.

———. Law enforcement in Germany and the United States—the underlying philosophy and methods. *Herbert R. Limburg*. Va. Law Rev. May, 1930.

Legal Education. Law schools of today and tomorrow. *H. Claude Horack*. Am. Law School Rev. Mar., 1930.

———. Legal aid clinic as a law school course. *John S. Bradway*. South. Calif. Law Rev. Apr., 1930.

———. Legal education and practice in Germany. *Hans E. Stille*. Am. Bar Assoc. Jour. Apr., 1930.

———. Making lawyers. *John Dickinson*. N. C. Law Rev. June, 1930.

Legal Ethics. Compulsory study of professional ethics by law students. *Charles H. Kinnane*. Am. Bar Assoc. Jour. Apr., 1930.

Litigation. All quiet on the legal front. "*Benthamite*." English Rev. Apr., 1930.

Mexican Criminology. The new Mexican system of criminology. *Salvador Mendoza*. Jour. Crim. Law and Crim. May, 1930.

Penal Codes. An examination of some dispositions relating to motives and character in modern European penal codes. *M. Ploscowe*. Jour. Crim. Law and Crim. May, 1930.

———. Prolegomena zur Philosophie der Strafe. *Friedrich Bassenge*. Rev. Int. Théorie Droit. No. 2, 1929-30.

———. El código penal de Méjico. *Mariano Ruiz-Funes*. Rev. Gen. Legis. y Juris. Apr., 1930.

Philosophy of Law. Voluntarismus und Intellektualismus in der Rechtstheorie. *A. Ladyženski*. Rev. Int. Théorie Droit. No. 2, 1929-30.

———. Die italienische Rechtsphilosophie im letzten Vierteljahrhundert. *Giàcomo Perticone*. Archiv Rechts- u. Wirtschaftsphilosophie. Apr., 1930.

———. The opinions and writings of Judge Cardozo. *Bernard L. Shientag*. Columbia Law Rev. May, 1930.

Precedent. The history of judicial precedent. I. *T. Ellis Lewis*. Law Quar. Rev. Apr., 1930.

Prisons. American prison methods attacked. *Albert Bushnell Hart*. Current Hist. Apr., 1930.

———. The revolt of the convicts. *George W. Alger*. Atlan. M. May, 1930.

Procedure. Applicability of methods of trial and administration used in workmen's compensation proceedings to certain civil actions. *Warren H. Pillsbury*. Calif. Law Rev. Mar., 1930.

———. Federal practice and procedure. *J. Crawford Biggs*. N. C. Law Rev. Apr., 1930.

———. Abracadabras in the law. *John Holley Clark, Jr.* N. Am. Rev. May, 1930.

———. Criminal procedure nears completion. *Frederick F. Faville*. Am. Bar Assoc. Jour. May, 1930.

———. Justice and horse sense. *Richard Washburn Child*. Sat. Eve. Post. June 28, 1930.

Psychiatry. Psychiatry and the Massachusetts courts as now related. *Winfred Overholser*. Social Forces. Sept., 1929.

Realistic Jurisprudence. A realistic jurisprudence—the next step. *Karl N. Llewellyn*. Columbia Law Rev. Apr., 1930.

Remanding. The practice of the United States supreme court in remanding

cases for further consideration. *Note Editor*. Harvard Law Rev. Apr., 1930.

Research Methods. The conditions for and the aims and methods of legal research. *Felix Frankfurter, Karl N. Llewellyn, and Edson R. Sunderland*. Am. Law School Rev. Mar., 1930.

Roman Law. The official manuals of Roman law of the eighth and ninth centuries. *Edwin H. Freshfield*. Cambridge Law Jour. No. 1, 1930.

———. What has become of Roman-Dutch law? *R. W. Lee*. Jour. Comp. Legis. and Int. Law. Feb., 1930.

———. Roman law in England before Vacarius. *W. Senior*. Law Quar. Rev. Apr., 1930.

———. Continuity of the Roman law in the east. *Charles Sumner Lobingier*. Tulane Law Rev. Apr., 1930.

———. Trade secrets and the Roman law: the *astio servi corrupti*. *A. Arthur Schiller*. Columbia Law Rev. June, 1930.

Rule Making. The rule-making power. I. Expert control of legal procedure through rules of court. *Edson R. Sunderland*. III. Regulating procedural details by rules of court. *Roscoe Pound*. Calif. State Bar Jour. Apr., June, 1930.

Sanctions. Die Verbindlichkeit der Gesetze. *Ernst v. Hippel*. Archiv öffent. Rechts. Feb., 1930.

Scientific Law. Can law be scientific? *Edwin W. Patterson*. Ill. Law Rev. June, 1930.

Social Theory. Law in action and social theory. *Fowler Vincent Harper*. Int. Jour. Ethics. Apr., 1930.

———. Law and the social sciences. *Nathaniel Cantor*. Am. Bar Assoc. Jour. June, 1930.

Sources of Law. Sources and forms of law. *E. H. Ketcham*. Int. Jour. Ethics. Apr., 1930.

Statutory Interpretation. Statutory interpretation. *Max Radin*. A note on "statutory interpretation." *James M. Landis*. Harvard Law Rev. Apr., 1930.

———. The problem of legal interpretation in France. I. *Julien Bonnetcase*. Jour. Comp. Legis. and Int. Law. Feb., 1930.

LOCAL GOVERNMENT

Books

Banerjee, P. Provincial finance in India. Pp. 367. London: Macmillan.
Bright, John. Hizzoner big Bill Thompson: an idyll of Chicago. Pp. 302. N. Y.: Cape & Smith.

Burr, W. Small towns. Pp. 267. London: Macmillan.

Chrostwaite, T. F. Pennsylvania borough law. Hanover (Pa.): T. F. Chrostwaite.

Clement, Mrs. Maud Carter. The history of Pittsylvania county, Virginia. Pp. 349. Lynchburg (Va.): J. P. Bell Co.

Deudias, M. Le gouvernement local. La centralisation et la décentralisation administrative. Pp. 220. Paris: Sirey.

Gras, N. S. B., and Gras, E. C. The economic and social history of an English village. Cambridge: Harvard Univ. Press.

Hedden, W. P. How great cities are fed. Pp. 302. N. Y.: D. C. Heath.

Lespes, J. Le gouvernement local aux États-Unis. Pp. 213. Bruxelles: Union int. des villes.

Levis, Ella Cannon. Better citizenship: a textbook in community civics. Pp. 561. N. Y.: Harcourt, Brace.

Mazzucconi, R. La città fascista: il governo fisico degli abitati secondo alcuni nuovi principii di politica edilizia. Pp. 180. Grosseto: Edizioni "Maremma."

Mouton, Léo. La vie municipale au 16^e siècle. Pp. 216. Paris: Perrin.

Shenton, Clarence G. History and functions of the municipal court of Philadelphia. (Bureau of Municipal Research of Philadelphia.) Pp. xx+102. Philadelphia: Thomas Skelton Harrison Foundation.

Terstloth, Albert. Die Kommunalverwaltung. Pp. 112. Köln: Du Mont-Schauberg.

Tucker, James I. Special assessments in California. Pp. 342. Los Angeles: The Author.

Vaile, Roland S., ed. The small city and town. Pp. 159. Minneapolis: Univ. of Minn. Press.

Wenneman, Joseph H. Municipal airports. Cleveland: Flying Review Pub. Co.

Zink, Harold. City bosses in the United States. Durham (N. C.): Duke Univ. Press.

Articles

Accounts. State supervision of local finance. V. Auditing municipal accounts. *Edwin O. Stene.* Minn. Municipalities. May, 1930.

Amusements. Municipal regulation of commercial amusements. *Milton V. Smith.* Pub. Management. Apr., 1930.

Berlin. Reform der Berliner Verwaltung. *Ernst Reuter.* Sozialistische Monatshefte. Apr., 1930.

Billboard Regulation. Regulation of billboards. *T. P. Helmey.* Minn. Municipalities. June, 1930.

Borough Government. English craft guilds and borough governments of the later middle ages. II. *Erwin F. Meyer.* Univ. of Colo. Studies. Feb., 1930.

———. The Anglo-Saxon borough. *Carl Stephenson.* English Hist. Rev. Apr., 1930.

Budget. State supervision of local finance. III. Municipal budgeting. *Edwin O. Stene.* Minn. Municipalities. Apr., 1930.

———. What significance do cost figures have in municipal budgeting. *F. R. Chailquist.* Am. City. May, 1930.

———. Budget-making in seven cities. *Mabel L. Walker.* Nat. Mun. Rev. May, 1930.

Canadian Municipal Government. Some phases of municipal government in Canada. *Horace L. Brittain.* Pub. Management. May, 1930.

Chicago. Chicago's financial crisis. *Herbert D. Simpson.* Rev. of Revs. Apr., 1930.

———. How Chicago got that way. *Douglas Sutherland.* World's Work. May, 1930.

———. Chicago—believe it or not. *A Chicagoan.* Va. Quar. Rev. July, 1930.

Cincinnati. Four years of progress in Cincinnati. *Charles P. Taft, II.* Pub. Management. May, 1930.

City Manager. Council-manager government in the Irish free state. *Arthur Collins.* The evolution of municipal government in the United States. X. The executive under council-manager government. *A. R. Hatton.* Pub. Management. Apr., May, 1930.

———. A suggestion to improve the manager plan. *W. Earl Weller.* Manager cities in action. III. A new brand of city council. IV. The Virginia cities V. Grand Rapids and Kalamazoo, Michigan. *Ernest Bradford.* Watertown politicians dismiss city manager. "Observer." Nat. Mun. Rev. Apr., May, June, 1930

City Planning. A message to city planners. *Jacob L. Crane, Jr.* Nat. Mun. Rev. Apr., 1930.

———. City planning as a science. *Fred Kraft.* Ill. Mun. Rev. May, 1930.

———. Proposed city planning improvements for an industrial section of La Grange, Ga. *E. S. Draper.* Am. City. June, 1930.

Civil Service. Le problème des fonctionnaires de la ville. *Pierre de Pressac.* Rev. Pol. et Parl. Apr., 1930.

County Government. The fight for reform in Rockland county. *Perley Morse.* Nat. Mun. Rev. Apr., 1930.

———. County court rolls and county court records. *George E. Woodbine.* A note on the county court rolls. *Theodore F. T. Plucknett.* Harvard Law Rev. May, 1930.

Crime Clinic. Detroit's crime clinic. *J. A. Fellows.* Nation. May 14, 1930.

Debt. State supervision of local finance. VI. Municipal indebtedness. *Edwin O. Stene.* Minn. Municipalities. June, 1930.

———. The bonded debt of 227 cities. *C. E. Rightor.* Nat. Mun. Rev. June, 1930.

English Local Government. Le local government act de 1929. II. *H. Finer.* Rev. Sci. Pol. Jan.-Mar., 1930.

———. English and German local government compared. *G. Montagu Harris.* Pub. Admin. Apr., 1930.

Excess Condemnation. Eminent domain: public use: excess condemnation *W. F. Mathewson.* Calif. Law Rev. Mar., 1930.

Expenditures. Municipal spending. *Amy Hewes.* Social Forces. Dec., 1929.

Fire Prevention. Municipal fire prevention proves its value. *Percy Bugbee.* Am. City. May, 1930.

Forest. Why not a municipal forest? *Alfred Nelson.* Minn. Municipalities. May, 1930.

French Elections. Woman suffrage and the French municipal elections. *R. K. Gooch.* Nat. Mun. Rev. June, 1930.

German Municipal Government. Le régime municipal allemand. *Louis Delbez.* Rev. Droit Pub. et Sci. Pol. Jan.-Mar., 1930.

Health. Aspects of public health administration. *J. Parlane Kinloch.* Pub. Admin. Apr., 1930.

Housing. To what extent is housing a municipal responsibility. *Joseph McGoldrick.* Am. City. Apr., 1930.

———. Slum clearance: a reply. *Kingsley Wood*. The housing bill. *B. S. Townroe*. Nine. Cent. Apr., May, 1930.

———. First thoughts on the new housing bill. *E. D. Simon*. *Contemp. Rev.* May, 1930.

———. Constitutional aspects of war rent regulation. *F. R. Aumann*. *Ky. Law Jour.* May, 1930.

Juvenile Court. Juvenile court problem in Grand Forks. *Fowler V. Harper* and *James M. Reinhardt*. *Quar. Jour. Univ. N. D.* Spring, 1930.

Mayor. The evolution of municipal government in the United States. IX. The evolution of the American municipal executive. *Harry H. Freeman*. *Pub. Management.* Apr., 1930.

Metropolitan Area. Government for the St. Louis metropolis. *Isidor Loeb*. *Nat. Mun. Rev.* June, 1930.

Municipal Corporations. The restoration government and municipal corporations. *J. H. Sacret*. *English Hist. Rev.* Apr., 1930.

Police. An interview with the chief of police of Rochester, N. Y. *Alfred Gates*. A policeman's lot: an appraisal of Grover Whalen's *tour de force* as police commissioner of New York City. *Joseph McGoldrick*. *Nat. Mun. Rev.* Apr., June, 1930.

———. Picking and training police and traffic officers. *O. W. Wilson*. Commissioner Whalen's spectacular police career. *Joseph McGoldrick*. *Am. City.* May, June, 1930.

———. Women police. *H. Alker Tripp*. *Nine. Cent.* June, 1930.

Proportional Representation. The practical workings of proportional representation in the United States and Canada. *Joseph P. Harris*. *Nat. Mun. Rev.* May, 1930 (Supp.)

Recreation. Denver plans for play. *R. S. De Boer*. *Am. City.* May, 1930.

Sanitary District. The Chicago diversion. *H. A. Smith*. *Canadian Bar Rev.* May, 1930.

School Administration. The county a school administration unit. *C. E. Compton*. A phase of school finance. *A. L. Thwing*. *Minn. Municipalities.* May, 1930.

Skyscrapers. Bulky buildings and crowded streets. *Ralph W. Robinson* and *I. S. Shattuck*. *Am. City.* May, 1930.

Special Assessments. Curing unfair special assessments. *Arthur Rowland Burnstan*. *Am. City.* Apr., 1930.

Taxation. The rural tax problem. *Clarence Heer*. *Social Forces.* Sept., 1929.

Traffic Problem. The administrative control of road traffic. *Sir John Brooke*. *Pub. Admin.* Apr., 1930.

———. How a fact-finding traffic survey was conducted. *W. Graham Cole*. Police attack traffic accident problem. *J. S. Baker*. *Am. City.* Apr., June, 1930.

Unemployment. How Cincinnati met the unemployment crisis. *C. O. Sherrill* and *Fred Hoehler*. *Nat. Mun. Rev.* May, 1930.

Urban Life. On living in cities. *Warren S. Thompson*. *Am. Mercury.* June, 1930.

Village By-Laws. Some early village by-laws. *Warren O. Ault*. *English Hist.* June, 1930.

Voting. The frequency distribution of voting in St. Louis. *Ralph and Mildred Fletcher*. Social Forces. Mar., 1930.

Washington. Washington—city of splendor. *Charles Moore*. Current Hist. May, 1930.

Waste Disposal. Municipal housekeeping. I. *John H. Nuttall*. Am. City. June, 1930.

Zoning. Property owners' consent provisions in zoning ordinances. *Harold C. Havighurst*. W. Va. Law Quar. Feb., 1930.

———. The due process clause as a limitation on municipal discretion in zoning legislation. *F. D. G. Ribble*. Va. Law Rev. May, 1930

POLITICAL THEORY AND MISCELLANEOUS

Books

Adams, Randolph G., ed. Selected political essays of James Wilson. (Pol. Sci. Classics, edited by Lindsay Rogers.) Pp. 356. N. Y.: Knopf.

Almack, John C. Research and thesis writing. Pp. xvii+310. Boston: Houghton Mifflin.

Battaglia, Otto Forst de. Der Prozess der Diktatur. Pp. 415. Zürich: Amalthea-Verlag.

Brent, C. H. The commonwealth: its foundations and pillars. Pp. x+178. London: Appleton.

Burns, C. Delisle. An introduction to the social sciences. Pp. 112. London: Allen & Unwin.

Cambó, Francisco. Las dictaduras. Pp. 246. Madrid: Espasa Calpe.

Campbell, W. E. More's *Utopia* and his social teaching. London: Eyre & Spottiswoode.

Carpenter, William S. The development of American political thought. Princeton: Princeton Univ. Press.

Easton, Emily. Roger Williams. Boston: Houghton Mifflin.

Ernesto, Orrei. Il diritto costituzionale e lo stato giuridico. Pp. 640. Roma: Soc. Ed. "Athenaeum."

Gardiner, Bishop Stephen. Obedience in church and state. (Edited and translated by Pierre Janelle.) Pp. 291. N. Y.: Macmillan.

Gerhardt, Johannes. Liberalismus und Wirtschaftsdemokratie. Berlin: Junker u. Dünhaupt.

Gide, Charles. Communist and co-operative colonies. (Translated by Ernest F. Row.) Pp. 222. N. Y.: Crowell.

Haines, Charles Grove. The revival of natural law concepts. Pp. xxx+708. Cambridge: Harvard Univ. Press.

Häne, Max. Die Staatsideen des Konstantin Frantz. Pp. 167. Gladbach: Volksverein.

Hattersley, A. F. A short history of democracy. Pp. 258. London: Cambridge Univ. Press.

Hawtrej, R. G. Economic aspects of sovereignty. N. Y.: Longmans.

Hearnshaw, F. J. C., ed. Social and political ideas of some great French thinkers of the age of reason. London: Harrap.

Krabbe, H. Kritische Darstellung der Staatslehre. Pp. x+337. La Haye: Nijhoff.

Lambert, Pierre Georges. La représentation politique des intérêts professionnels. Pp. 179. Paris: Sirey.

Lanzillo, Agostino. Lineamenti di economia politica. Pp. xxiii+430. Milano: Istituto Editoriale Scientifica.

Laski, Harold J. Liberty in the modern state. Pp. 256. London: Faber & Faber.

Madden, Marie R. Political theory and law in medieval Spain. Pp. xv+198. N. Y.: Fordham Univ. Press.

Mainzer, O. Gleichheit vor dem Gesetz, Gerechtigkeit und Recht. Pp. 126. Berlin: Julius Springer.

Martin, Everett Dean. Liberty. N. Y.: W. W. Norton & Co.

Marx, Karl, and Engels, Friedrich. The communist manifesto. (Translated by Eden and Cedar Paul.) Pp. 376. N. Y.: Int. Pubs.

Mendizábal y Martín, Luis. Tratado de derecho natural. 2 vols. Pp. 500, 636. Madrid: Eloy Gonzalo.

Michels, Robert. Der Patriotismus: Prolegomena zu seiner soziologischen Analyse. Pp. viii+269. München: Duncker & Humblot.

Murchison, Carl. Social psychology: the psychology of political domination. Pp. x+210. Worcester (Mass.): Clark Univ. Press.

Murray, Robert H. Studies in the English social and political thinkers of the nineteenth century. 2 vols. Pp. vii+474; 452. Cambridge: W. Heffer & Sons.

Ospina, Carlos Wyld. El autócrata; ensayo político-social. Pp. 272. Guatemala: Tip. Sanchez & De Guise.

Parra-Perez, C. Bolivar: contribucion al estudio de sus ideas politicas. Paris: Editions Excelsior.

Sabine, George H., and Smith, Stanley B., eds. On the commonwealth, by Marcus Tullius Cicero. Pp. 288. Columbus: Ohio State Univ. Press.

Sol, E. Eglise constitutionnelle et eglise réfractaire. Pp. 650. Paris: Champion.

Spahr, Walter Earl, and Swenson, Rinehart John. Methods and status of scientific research. Pp. 560. N. Y.: Harper's.

Stawell, Florence M. The growth of international thought. Pp. 248. N. Y.: Holt.

Zwiedineck-Südenhorst, O. von. Sinn und Grenzen der Sozialpolitik. Berlin: Junker u. Dünnhaupt.

Articles

Aquinas. Stato e governo nella dottrina politica di S. Tommaso d'Aquino. Giovanni Sabini. Rassegna Italiana. Apr., 1930.

Bureaucracy. Bureaucracy. J. J. Fraser Winslow. Canadian Bar Rev. Apr., 1930.

———. Bureaucracy on trial. Carleton Kemp Allen. Quar. Rev. Apr., 1930.

———. Bureaucracy and "social services." Charles Tower. English Rev. May, 1930.

Censorship. Watchdogs and morals: an English view of censorship. Wickham Steed. Outlook. May 7, 1930.

Citizenship. History as a training for citizenship. *G. P. Gooch*. *Contemp. Rev.* Mar., 1930.

Communism. Red revolution—in America and in Russia. I. These terrible reds. *Malcolm Logan*. II. Home office of the revolution. *William C. White*. Scribner's. June, 1930.

Democracy. Le principe démocratique et la démocratie future. *G. Gurvitch*. *Rev. Métaphysique et Morale*. No. 3, 1929.

———. The spiritual power and democracy. *C. Delisle Burns*. *Int. Jour. Ethics*. Oct., 1929.

———. Democracy and social justice. *Ernest Barker*. *Contemp. Rev.* Mar., 1930.

———. The collapse of democracy. *Rowland A. Egger*. *Am. Mercury*. Apr., 1930.

———. Democratic realities and democratic dogma. *John Dickinson*. *Am. Pol. Sci. Rev.* May, 1930.

———. Demokratie und Autorität. *Willy Hellpach*. *Neue Rundschau*. May, 1930.

Dictatorship. The challenge of dictatorship. *Jerome Davis*. *Century*. Spring, 1930.

Economic Theory. La riforma della scienza economica e il concetto dello stato. *Ugo Spirito*. *Nuovi Studi di Diritto, Econ. e Pol.* Jan.-Feb., 1930.

Erasmus. Some notes on the political theories of Erasmus. *Lester K. Born*. *Jour. Mod. Hist.* June, 1930.

Expert Government. Do scientists merit political power? *T. Swann Harding*. *Social Forces*. Sept., 1929.

———. Democracy and the expert. *Alfred Zimmern*. *Pol. Quar.* Jan., 1930.

———. Genie und Funktionär in der Politik. *Hermann Heller*. *Neue Rundschau*. June, 1930.

———. Government by technologists. *Charles A. Beard*. *New Repub.* June 18, 1930.

Feudalism. Die neue Feudalität. *M. J. Bonn*. *Neue Rundschau*. Apr., 1930.

German Theory. Hugo Preuss in der deutschen Staatslehre. *Carl Schmitt*. *Neue Rundschau*. Mar., 1930.

Imperialism. Awkward imperialists. *Reinhold Niebuhr*. *Atlan. M.* May, 1930.

Linguet. The political ideas of Linguet. *H. R. G. Greaves*. *Economica*. Mar., 1930.

Machiavelli. Niccolo Machiavelli: his contribution to the social sciences. *Constantine D. Kojouharoff*. *Nat. Univ. Law Rev.* May, 1930.

Nationalism. Nationalism and intolerance. II. *Salo Baron*. *Menorah Jour.* Nov., 1929.

Natural Law. Das Naturrechtskolleg von Adam Smith. *Artur Sommer*. *Archiv Rechts- u. Wirtschaftsphilosophie*. Apr., 1930.

Politics. Race and politics. *Herbert Miller*. *Chinese Soc. and Pol. Sci. Rev.* Jan., 1930.

———. Politics and theology. *Bertrand Russell*. *Pol. Quar.* Apr., 1930.

———. Geschichtswissenschaft und Politik. *Paul Wentzcke*. *Deutsche Rundschau*. Apr., 1930.

- . *Romantisme et politique*. *Louis-André Fouret*. *Grande Rev.* Apr. 1930.
- . *Psychologie und Politik*. *Bertrand Russell*. *Neue Rundschau*. May, 1930.
- Press*. The influence of the press. *Kingsley Martin*. *Pol. Quar.* Apr., 1930.
- Socialism*. The new socialism. *Arthur Shadwell*. *Quar. Rev.* Apr., 1930.
- Social Philosophy*. Social thinkers in nineteenth-century England. *John A. Hobson*. *Contemp. Rev.* Apr., 1930.
- Suarez*. Suarez in the political controversy. *James A. Magner*. *Catholic World*. May, 1930.
- Zionism*. Über die Voraussetzungen und das politische Ziel des Zionismus: *Gerhard Holdheim*. *Preuss. Jahrbücher*. Apr., 1930.
- . Zionism finds itself. *William Zukerman*. *Nation*. June 4, 1930.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Civil service commission. List of establishments outside competitive classified service. Washington: Govt. Ptg. Off., 1930. 1 p.

———. New emphasis in Federal personnel research and administration as presented before 9th international congress of psychology at Yale University: pt. 1, Coördinating, selection, placement, training, and promotion in federal service; pt. 2, Coöperative research with schools and industries to improve guidance and placement. By L. J. O'Rourke. Washington: Govt. Ptg. Off., 1930, 2 pts.

House of representatives. Federal farm loan act, amendments, rules and regulations; comp. by Elmer A. Lewis, supt. document room, house of representatives. Washington: Govt. Ptg. Off., 1930, 101 p.

———. Civil Service and salary classification laws . . . 64 p.; industrial arbitration, 105 p.; radio laws, 37 p.; vocational education laws, 42 p.

House of representatives, Civil service committee. Civil service retirement act, hearings, 71st cong. 2d session, on H. R. 9679. Washington: Govt. Ptg. Off., 1930, 171 p.

———. *Committee on election of president, vice-president, and representatives*. Proposed constitutional amendment providing for election of president and vice-president, hearing, 71st cong., 2d session, on H. J. Res. 106. Washington: Govt. Ptg. Off., 1930. 56 p.

———. Proposed amendment to constitution of United States, fixing time for commencement of terms of president, vice-president, and members of congress, and fixing time of assembling of congress. Report. Washington: Govt. Ptg. Off., 1930. 14 p.

House of representatives, Committee on expenditures in executive departments.

Interdepartmental work, hearings on H. R. 10199, authorizing any executive department or independent establishment to do work for any other executive department or independent establishment and prescribing method of payment therefor, 71st cong., 2d session. Washington: Govt. Ptg. Off., 1930. 15 p.

———. *Immigration and naturalization committee*. Proposed amendments to immigration act of 1924, hearings, 71st cong., 2d session, on (various bills) Washington: Govt. Ptg. Off., 1930. 283-371 p.

———. Citizenship and naturalization of married women, report to accompany H. R. 10960, 71st cong., 2d session. Washington: Govt. Ptg. Off., 1930. 4 p.

———. *Committee revision of laws*. Repeal of obsolete and superseded sections in United States code, report to accompany H. R. 10198. Washington: Govt. Ptg. Off., 1930. 56 p. *Senate*. Civil service retirement and salary classification laws . . . Washington. Govt. Ptg. Off., 1930. 64 p.

———. Doctrine of local obligations, article entitled doctrine of local obligations, by Richard Washburn Child, from Constitutional Review, Apr. 1920. . . . Washington: Govt. Ptg. Off., 1930. 11 p. (S. Doc. 110, 71st cong., 2d session).

———. Federal constitutional convention, compilation showing applications made from time to time to Senate by legislatures of various states for calling of a constitutional convention for purpose of proposing certain amendments to Constitution of United States. . . . Washington: Govt. Ptg. Off., 1930. 32 p. (Sen. doc. 78, 71st cong., 2d sess.).

Senate, Judiciary committee. Transfer of prohibition unit, hearing before subcommittee, 71st cong., 2d session, on H. R. 3574, to transfer to Attorney-General certain functions in administration of national prohibition act. . . . Washington: Govt. Ptg. Off., 1930. 101 p.

———. *Territories and insular affairs committee*. Independence of Philippine Islands, hearings, 71st cong., 2d session, on S. 204, for withdrawal of United States from Philippine Islands, S. 3108, to enable people of Philippine Islands to adopt constitution, etc. . . . Washington: Govt. Ptg. Off., 1930. pts. 3-5, p. 245-656.

Labor department. Analysis and tabular summary of state laws relating to jurisdiction in children's cases and cases of domestic relations in United States; by Freda Ring Lyman. Washington: Govt. Ptg. Off., 1930. 33 p.

Library of congress, Documents division. Collection of government publications, survey of more important accessions of division of documents during fiscal year 1929. . . . Washington: Govt. Ptg. Off., 1930. 19 p.

President. Criminal law enforcement, message from President of United States urging necessity of action by Congress upon recommendations made by him for more effective criminal law enforcement. Washington: Govt. Ptg. Off., 1930. 2 p.

State department. *Commission for study and review of conditions in Haiti*. Report. . . . Washington: Govt. Ptg. Off., 1930. 45 p.

———. Convention between U. S. and Japan, prevention of smuggling of intoxicating liquors. . . . Washington: Govt. Ptg. Off., 1930. 6 p. (Tr. ser., 807.)

State department. Memorandum on Monroe Doctrine; prepared by J. Reuben Clark, under-secretary of state. Washington: Govt. Ptg. Off., 1930. 238 p.

———. United States and permanent court of international justice, documents relating to question of American accession to court. Washington: Govt. Ptg. Off., 1930. 56 p.

———. Convention with Great Britain, delimiting boundary between Philippine Archipelago and State of North Borneo, convention signed Washington, Jan. 2, 1930. . . . Washington: Govt. Ptg. Off., 1930. 13 p., maps.

Treasury department. Outline of duties of secretary of treasury and of various offices and bureaus. . . . Washington: Govt. Ptg. Off., 1930. 10 p.

STATE AND TERRITORIAL

ALABAMA

Dept. of archives and history. High points in Alabama history, by Thomas M. Owen . . . and Marie Bankhead Owen. Montgomery, 1928. 18 p.

ALASKA

Governor. Annual report of the governor of Alaska, to the secretary of the interior, 1929. Washington: Govt. Ptg. Off., 1929. 144 p.

ARIZONA

Corporation commission. Arizona corporation commission. Laws of Arizona relating to or under its jurisdiction. Phoenix, 1929. 258 p.

Governor. Message of Governor John C. Phillips to the ninth legislature. Phoenix, 1929. 6 p.

ARKANSAS

Commission on business laws and taxation. Arkansas business laws and taxation. A report by the special honorary commission. . . . Little Rock, 1929. 267 p.

CALIFORNIA

Constitution of the state of California, Magna Carta, Declaration of Independence, Articles of Confederation, and the Constitution of the United States Comp, by Paul Mason. Sacramento, 1929. 288 p.

Legislature. List of members, officers, and committees, and the rules of the two houses of the California legislature, together with members of Congress classification of counties 1929. Sacramento, 1929. 304 p.

CONNECTICUT

Governor. Message of His excellency John H. Trumbull, governor special session, Aug. 6, 1929. Hartford, 1929. 34 p.

GUAM

Governor. Annual report. Guam, 1929.

ILLINOIS

Secretary of state. Illinois primary election laws in force July 1, 1929. . . . Springfield, 1929. 95 p.

———. Laws of Illinois relating to commission form of municipal government 1929. Springfield, 1929. 77 p.

———. Official list of state and county officers 1929. 104 p.

IOWA

Historical society, Iowa City. Legislation of the forty-third general assembly, 1929, of Iowa, by Jacob A. Swisher. Iowa City, 1929. 165 p. (Iowa monograph series, no. 1.)

KANSAS

Tax code commission. Report Dec. 1, 1929. Topeka, 1929. 176 p.

MARYLAND

Governor. Speeches 1929. Mimeo. v. p.

Employment commission, Baltimore. Classification plan for the classified civil service of the state of Maryland, prepared by state employment commission Baltimore, 1929. 271 p.

Employment commission. The merit system. A monograph by Oliver C. Short, state employment commissioner. . . . Baltimore, 1928. 159 p.

MASSACHUSETTS

Address of His Excellency Frank G. Allen to the branches of the legislature Jan. 1, 1930. Boston, 1930. 37 p.

MICHIGAN

Department of state. Michigan official directory and legislative manual 1929-30 Lansing, 1929. 775 p.

MINNESOTA

Secretary of state. Minnesota state and county officers, 1929-1930. Comp. by Mike Holm, secretary of state. St. Paul, 1929. 24 p.

NEBRASKA

University of Nebraska, debating and public discussion bureau. Nebraska high school debating league. . . . Parliamentary government. Abstracts of material. Lincoln, 1928. 109 p.

NEW YORK

Crime commission. Report. 1929. Albany, 1929. 602 p.

Governor. Messages (about fourteen messages to the legislature, 1930, on various subjects).

Legislature. Clerk's manual of rules, forms, and laws for the regulation of business in Senate and Assembly. Albany, 1930. 20 p.

NORTH CAROLINA

Judicial conference. Report, 1929. Raleigh. 21 p. mimeo.

OREGON

Secretary of state. Blue book and official directory, 1929-30. Salem, 1929. 148 p.

———. Proposed constitutional amendments and measures to be submitted to the voters of Oregon at the general election, Nov. 4, 1930 Salem, 1929. 24 p.

PENNSYLVANIA

Crime commission. Report of chairman of the crime commission to chairman of judicial conference on measures recommended to the 1929 legislature by the crime commission, particularly stating the legislative history of the recommendations made by the judicial conference. Phila., 1929. 67 p.

Judicial conference. Minutes of second judicial conference, June 24 and 25, 1929. Phila., 1929. 33 p.

RHODE ISLAND

Governor. Annual message of Norman S. Case, governor. . . . Providence, 1930. 32 p.

———. Address broadcast at Chicago, Sept. 28, 1929. Providence, 1929. 20 p.

TEXAS

Dept. of education. Texas municipal junior colleges. Austin, 1929. 93 p.

State library, Legislative reference division. Laws of Texas relating to the civil rights of married women, prepared by Texas library and historical commission Austin, 1929. 29 leaves, mimeo.

VIRGINIA

Governor. Address of Harry Flood Byrd Jan. 8, 1930. Richmond, 1930, 34 p.

———. Inaugural address of John Garland Pollard, Jan. 15, 1930. Richmond, 1930. 15 p.

Judicial council. Report to governor and supreme court of appeals, with minutes of meeting held Oct. 29, 1929, including drafts of bills approved, rejected, and passed by. Richmond, 1930. 122 p. *Same.* Minutes of meeting, Aug. 1, 1929. 82 p.

WISCONSIN

Printing board. Wisconsin blue book, 1929 Madison, 1929. 888 p.

Tax commission. The taxes of the state and its political sub-divisions, 1901-1928. Madison, 1929. 24 p.

University of Wisconsin, Municipal information bureau. Municipal beverage ordinances; personnel and salaries of fire departments in Wisconsin cities, 1929; expenditures for recreation in Wisconsin cities of 5,000 population and over, 1928; personnel and salaries of police departments in Wisconsin cities, 1929. Information reports 73-76.

FOREIGN

CANADA

Handbook of present conditions and recent progress in the Dominion, with outline of political history since the confederation. Ottawa, 1930.

COLOMBIA

Presidente. Mensaje, 1929. 2 v.

CUBA

Presidente. Mensaje al congreso. Habana, 1929.

FRANCE

Commission des archives diplomatiques. Recueil des instructions donnés aux ambassadeurs et ministres de France depuis les traités des Westphalie jusqu'à la révolution Française. v. XXIV-XXV. Paris, 1929. 2 v.

GREAT BRITAIN

East India. (Constitutional reforms.) Supplementary note . . . by Dr. Abdullah Al-M'Amun Suhrawardy, and report of Central Indian commission, 1928-29. Lond: H.M.S.O., 1930. Cmd. 3525.

International treaty for the limitation and reduction of naval armament. Lond: H.M.S.O., 1930. Cmd. 3556.

London naval conference, Jan. 21-Apr. 15, 1930. Memorandum on results. Lond: H.M.S.O., 1930. Cmd. 3547.

Report of conference on operation of dominion legislation and merchant shipping, 1929. Lond: H.M.S.O., 1930.

Foreign office. Agreements concluded at the Hague conference, Jan., 1930. Lond: H.M.S.O., 1930. Cmd. 3484.

———. Chinese mandate of December 28, 1929, regarding extraterritorial rights in China, and correspondence in connection therewith. Lond: H.M.S.O., 1930. Cmd. 3480.

———. Decree of the All-Russian central executive committee and council of people's commissars respecting religious associations. Lond: H.M.S.O., 1930. Cmd. 3511.

———. London naval conference, 1930. Memorandum of position of H.M. government in the United Kingdom at the conference. Lond: H.M.S.O., 1930. Cmd. 3485.

———. Notes exchanged on the occasion of resumption of diplomatic relations with the U.S.S.R. Lond: H.M.S.O., 1930. Cmd. 3467.

———. Rights of the United States and its nations in the Iraq convention . . . and exchange of notes. Lond: H.M.S.O., 1930. Cmd. 3503.

———. Treaties, etc., between the United Kingdom and foreign states. Accessories, withdrawals, etc. Lond: H.M.S.O., 1930. Cmd. 3491.

INTERNATIONAL

League of Nations. Correspondence relating to dispute between Bolivia and Paraguay. Geneva, 1930. 7 p.

———. Documents relating to the protection of minorities by the league of nations. Geneva, 1920. 87 p.

———. Question of the adherence of the U.S.A. to the protocol of signature of the statute of the permanent court of international justice. Geneva, 1929. 7 p.

———. Treaty series, vol. 88, 1929. Lausanne, 1930. 416 p.

———. *Committee of jurists on the statute of the permanent court of international justice*. Minutes of session held at Geneva, Mar. 11-19, 1929. Geneva, 1929. 135 p.

———. *Preparatory commission for disarmament conference*. Minutes of the sixth session. Geneva, 1929. 224 p.

———. *Permanent mandates commission*. Minutes of 15th session . . . including report of the commission to the council and comments by various accredited representatives of the mandatory powers. Geneva, 1929. 302 p.

———. *Preparatory committee for the conference for the codification of international law*. Conference for the codification of international law . . . v. 1. Nationality. v. 2. Territorial waters. v. 3. Responsibility of states for damage caused in their territory to the person or property of foreigners. Geneva, 1929.

———. *Secretariat*. Aims and organization of the league of nations. Geneva, 1929. 91 p.

Permanent court of arbitration, The Hague. Traités généraux d'arbitrage communiqués au bureau international de la cour permanente d'arbitrage. 4 ser. The Hague, 1929. 177 p.

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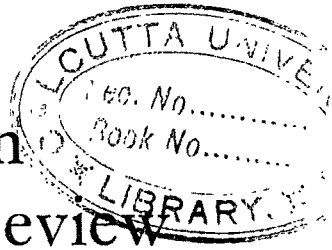
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THE PRAGMATIC APPROACH TO POLITICS¹

GEORGE H. SABINE

Ohio State University

I

I have been asked to present for your discussion the pragmatic approach to political science, the reason being, as I suppose, that my business is the study of philosophy and pragmatism is a kind of philosophy. Now philosophy has special interests of its own and hardly ever offers anything that can be taken over ready-made into scientific work with any useful results; moreover, the discussion of methods at large hardly ever leads to much. A method is good for just what it does, and its uses must be apparent just in the science where it is used. I greatly doubt, therefore, whether any good would come of my talking to you about philosophic pragmatism, which is a name of rather indefinite meaning, signifying a group of scientific and philosophic tendencies rather than a systematic doctrine. It does stand roughly for a point of view, which has perhaps been stated most clearly by Professor John Dewey, and it is a fact that this point of view has acted as a sort of ferment outside philosophy, especially in economics and law, and seems likely to have a significant influence on these subjects, at least in America and during the next few years. What I mean to do, therefore, is to try to picture pragmatism in action, compressing into a single paragraph the

¹ A paper presented at the New Orleans meeting of the American Political Science Association, December, 1929.

description of pragmatism as a point of view. To illustrate pragmatism in action, I have chosen some attempts to adopt this point of view in economics, particularly the work of Thorstein Veblen and Professor Wesley C. Mitchell, and also in the study of law, particularly the program put forward by Professors Walter Wheeler Cook and Herman Oliphant.

As a point of view, pragmatism may perhaps be most easily described as an effort to take fully to heart the lesson of evolution, first as it appeared in the work of Darwin, and then as a way of looking at all sorts of social phenomena. Darwin's work was epoch-making in the history of thought, because it was the first scientific achievement, on a vast scale, along the lines of a purely empirical method such as English philosophy from the days of Francis Bacon had loved to emphasize, namely, the ordering of a great mass of seemingly unrelated data without the clue of mathematics. But the results of evolution radically changed the pre-Darwinian picture of nature and of human thought. It suggested a process of endless change, without fixed ends, in which the course of change could be plotted only for limited intervals and in terms of causal relations having a rather limited span. It swept away the whole apparatus of fixed categories of explanation, such as the species of pre-Darwinian biology, and reduced the so-called self-evident truths and *a priori* principles upon which both science and philosophy had been supposed to rest to the level of "provisional" rules. And if one asked, "Provisional for what?," a generation that had learned of Darwin could only answer, "Provisional for human action." Thus it became natural to picture thought as a factor in behavior, significant for what it effectively does in modifying the habitual adaptation of men to the conditions of their life. Thus philosophic pragmatism may be said to stand like a tripod upon the three supports of empiricism, evolution, and the instrumentalism of thought in human behavior. It accepts control as the end of knowledge and the test of its efficacy, and therefore makes purpose an ineradicable part of all thinking. It acknowledges

only an *ad hoc* test of truth, since thinking must succeed, if at all, only in terms of the problem that calls it forth; and it sees in logic, both deductive and inductive, only an apparatus by which solutions may be methodically tested. For Professor Dewey, at least, the center of thought lies in that act of creative imagination by which a new way of handling a difficulty is invented. To this extent, pragmatism is the very opposite of the more recent forms of mechanistic behaviorism. Whether these conclusions are philosophically sound, I do not care now to inquire. I am concerned only to ask what has happened in some cases where social scientists have chosen to proceed as if they were sound.

II

Here, as I believe, the work of the late Thorstein Veblen is, for the present at least, the most original and suggestive that has yet appeared. To attempt anything like an exposition of Veblen's theories is clearly out of the question.² The whole body of his writing is peculiarly difficult to summarize, and his conclusions on more specifically economic questions are not now to the point. What I wish to put before you is rather his conception of a social science, particularly economics, using this as an illustration of pragmatic method.

If the upshot of Veblen's work for economic theory were compressed into a very brief formula, it might be stated somewhat as follows. Economic behavior at any given time is determined chiefly by economic institutions; institutions are socialized habits, and undergo a continuous and cumulative process of evolutionary change. The object of economic theory is therefore to explain changes of behavior, and such changes result from the whole complex of forces, physical and social, which create new habits and therefore modify economic institutions. From this formula it is apparent that one key to economic theory is the psychological process by which habits are formed. This process, as Veblen finds it described in

² See the excellent analysis of Veblen's views in Paul Homan, *Contemporary Economic Thought* (1928), where references to Veblen's works are given.

modern psychology, is a resultant of two factors: innate or instinctive patterns of reaction and the modification of these reactions by habituation in the concrete situations where men mature their native powers and bring them to forms of overt behavior. But the innate factor is practically unchangeable, while the strictly physical part of the environment changes slowly if at all. Consequently, the most changeable, and therefore for social evolution the most important, condition of habit-forming consists of the institutions of society itself. The evolution of economic institutions is therefore the second key to economic theory. To be sure, institutions in their psychological make-up are merely habits—such as ways of making goods, various kinds of knowledge and skill, standards of taste and well-being, ideas of property, and kinds of industrial or commercial organization—but they are none the less the most significant part of the environment in which each individual matures his actual behavior. This whole body of habits—habits of thought as well as of action—forms the stream of human culture or civilization. From Veblen's point of view, the explanation of economic behavior implies a study of economic institutions, operating in a material environment and upon a fixed apparatus of instinctive response, but undergoing constant change by the action of forces which bring about new modes of habituation.

The mass of accumulated and socialized habit is thoroughly evolutionary in its operation; that is, it is subject to continuous and cumulative changes due to the accretion of new elements of skill, new bodies of knowledge, new forms of taste, and new modes of organization. The stream of civilization has no end, and it has no single cause. Consequently, the condition in which it happens to find itself at any given date—the particular constellation of institutions and practices which happens to prevail—is no more normal than that which prevails at some other date. The only abiding fact is change, and change is a resultant of all the causal factors, physical, psychological, historical, and social, that operate in the given situation. There is

no state of equilibrium, no balance of economic forces, which forms a standard or norm. Hence Veblen regards the efforts of economists to define such norms, for example, the conditions of a market in an ideally free state of competition, as a mere remnant left over from a pre-Darwinian notion of science. Types have no existence in society, any more than in nature, and classification is purely provisional; so conceived, it may serve the ends of evolutionary explanation, provided that the evolutionary change is the key to the classification. If the order is reversed—if some form of social life is set up as the “natural” or the normal or the right form, while the forms themselves are treated as mere variants or aberrations of the type—social theory moves in a world of unreal abstractions and mythological entities.

It follows that Veblen’s conception of economic theory contains a large element of stark, historical fact. It is largely a study in life-histories, including the origin and evolution of economic institutions. It is therefore descriptive, as Veblen believes all scientific procedures to be, though not purely historical, since the object of the description is to disclose the significant factors, biological, psychological, and social, which may be called the causes of institutional change. In truth, Veblen’s conception of science may be called ultra-Darwinian. In his desire to discredit the procedures of economic theory which he criticises, it is very likely true that he underestimates the part that postulation and deduction play in the exact physical sciences. Probably he would reply that postulation is useful in physics as a tool, but misleading in economics when it is not conceived as a tool. In the social sciences, at least, explanation is for Veblen largely a description of matter-of-fact sequences, with only a minimum of generalization. Anything like absolutely general principles or absolutely universal laws is out of the question. This was the phase of Veblen’s work which seemed most confusing to his older contemporaries in economics. What he called theories seemed to them not to be theories at all, but history. Since they had no objection

to history, especially when they were not asked to use it, they found it hard to see the reason for his rather bitter strictures on conventional economic theory. That the history and theory of institutions should occupy divided halves of the economic estate seemed simple and obvious.

Another disconcerting phase of what Veblen called economic theory was the fact that it cut squarely across all the traditional lines between the scientific specialties. Indeed, this really was a serious practical difficulty, for a theory in Veblen's sense called for a range of scholarship beyond the compass of any single mind. Veblen himself was a man of prodigious learning, whose reading had extended into many curious fields where the conventionally trained economist was quite unable to follow him. The background of all his thought was the biological theory of evolution, and his conception of the innate sources of behavior was biological or physiological. His theory of habituation and of its influence upon human motivation belonged to psychology. Much of what he wrote on the native endowments of races and the evolution of economic institutions belonged conventionally to anthropology. And he showed from time to time a wide knowledge of the history of trade and industry, to say nothing of his accurate understanding of existing practices and processes. Moreover, all this was by no means intended merely as a display of heterogeneous erudition. If Veblen's notions of economic theory were to be taken seriously, information from all these fields must be continuously used by the economist and amalgamated into his description of economic behavior.

It was Professor Wesley C. Mitchell who showed that Veblen's ideas of economic theory could be made to work in the investigation of a contemporary problem where no far-flung theory of economic evolution was required and where the subject-matter of the investigation was incontestably economic, even by conventional standards. This is the philosophic significance of his study of business cycles. The general body of ideas about economic science upon which Professor Mitchell has insisted is quite obviously derived from Dewey and Veb-

len.³ Thus he has argued, in agreement with Veblen, that the key to economic theory is the fact that it has to do with behavior, because this focuses attention upon economic institutions. Institutions in turn are the changeable factor in economic behavior, and cumulative change in economic institutions is the chief concern in a scientific economic theory. At the same time, Professor Mitchell has accepted much more clearly than Veblen ever did the instrumentalism of Dewey's theory of knowledge. Knowledge, he asserts, is desired mainly for purposes of control, and the interest in changing institutions is motivated by the desire to shape the evolution of economic life to fit the developing purposes of the race. "Whether economics is to us a subject of thrilling interest or a dismal pseudo-science depends upon ourselves. . . . If we come [to it] thinking of man's long struggle to master his own fate, then the effort to solve economic problems seems a vital episode in human history. . . . Seen in this perspective, economic speculation represents a stage in the growth of mind at which man's effort to understand and control nature becomes an effort to understand and control himself and his society."⁴ But to Professor Mitchell the desire for control has connoted, far more than to Veblen or Dewey, the use of a statistical or quantitative method; for practical problems typically take the form: How much? How soon? How fast? The originality and the force of his great work on *Business Cycles* lies chiefly in the marshalling of statistical data to test the many plausible but insufficiently supported theories that had been offered for the phenomenon of alternating prosperity and depression.

The dependence of Professor Mitchell's work upon the body of Veblen's ideas, however, is neither so vague nor so general as the preceding paragraph suggests. The study of business cycles is a Veblenian theory quantified and brought to bear upon a specific institution of the existing business or-

³ "The Prospects of Economics," in R. G. Tugwell, *The Trend of Economics* (1924), pp. 3 ff.

⁴ *Ibid.*

ganization. It deals with an institution—the system of prices in a money economy where the production of goods is a by-product of earning profits. Professor Mitchell's earliest work, on the greenbacks,⁵ had dealt largely with a similar theme: the influence upon the production and consumption of goods, and indeed upon economic welfare generally, of such inexpert legislation as the Legal Tender Acts. Here was a creation of Congress, something therefore which did not belong to the industrial system as such, dealing only with the issue of money, which was commonly supposed to be merely circulating medium or a kind of token for real utilities, and yet the manipulation of the symbol produced far-reaching and quite unexpected consequences in the working of the industrial machine itself. The result is a sort of demonstration of institutional economics: the production of goods is really incidental to the institutions of a market in which money profits must be earned. Those who are familiar with Veblen will recognize in this a phase of the distinction upon which he was always insisting, i.e., between business enterprise and the industrial system. Moreover, the deduction is obvious that if Congress could interfere blunderingly, it might also legislate effectively, by intelligently chosen means, to bring about a socially desirable end.

The point of view of Professor Mitchell's later work on business cycles is an extension of his earlier work. It presumes that business cycles consist of very complex interactions between numerous economic processes, that historical studies must be combined with qualitative and quantitative analysis to explain these interactions, that business cycles are peculiar to a certain form of economic organization, and that the understanding of the institutions belonging to this kind of organization is therefore necessary in order to understand the cycles.⁶ More specifically, in a scheme where economic activity depends upon profits, present or prospective, and

⁵ *A History of the Greenbacks* (1903). See the essay on Mitchell in Paul Homan, *Contemporary Economic Thought* (1928).

profits depend upon the spread of prices, production is itself dependent upon the price system, which is to be considered functionally as the means for controlling this economic process. "The system of prices is our mechanism for regulating the process of producing and distributing goods. Prices make possible the elaborate exchanges, and the consequent specialization and coöperation in production, which characterize the present age. . . . They are the means by which all consumers in concert make known what goods the community wants and in what quantities; the signs which enable all business enterprises in concert to come as near as they do toward achieving a satisfactory allocation of productive energies amidst the million channels into which these energies might flow. . . . Prices also render possible the rational control of economic activity by accounting. . . . Most important of all for the present purpose, the margins between different prices within the system hold out that prospect of money profit which is the motive power that drives our business world." Professor Mitchell's study of business cycles is essentially a study of the functioning of an economic institution, including its history, an analysis of it, if possible a prediction of its future working, looking toward its further control for ends to be decided in the light of possibilities and policies.

The results of the study are in accord with the evolutionary presumptions which he shares with Veblen. Nowhere does he find a "normal" condition of business which tends to re-instate itself as if it were a state of mechanical equilibrium.⁶ Nothing is normal except change, and the only permanent feature of the change lies in the recurrence, in fairly regular order, of sequences or relations of events connected with the cycle of prosperity, recession, depression, and revival. Hence the theory gives but little importance to the "cause" of business cycles, because stating the question in that form sug-

⁶ *Business Cycles: The Problem and Its Setting* (1927), p. x.

⁷ *Ibid.*, p. 116.

⁸ *Ibid.*, pp. 186 ff. Cf. Chap. V.

gests that there is a normal state of affairs which is periodically upset by some factor of change. In truth, all the factors are changing continually and all are continually interacting with each other; any factor may figure at times as cause and at times as effect. What the theory undertakes to state, therefore, is the manner in which business cycles run their course. The cycles themselves are neither temporary nor occasional phenomena; they begin at no particular point and end at no point, but run together in a continuous motion picture. If they could be said to have any cause at all, it would be merely the structure of the institution in which they take place, namely, business enterprise, or the pursuit of profits, operating in a system where economic activity consists mainly in the earning of money incomes. In short, the theory illustrates Veblen's contention that the object of economics is to explain the cumulative changes in economic behavior within the limits set by some arrangement of institutionalized habits.

We may now sum up briefly the results reached by the pragmatic method in economics, at least so far as these results are illustrated by the work of Veblen and Professor Mitchell. The method consists typically in the amalgamation of history and analysis. By stressing the study of economic behavior as its subject-matter, and by conceiving behavior as a resultant of innate factors conditioned by habits, it makes economic institutions a main ground for economic explanation. Like Professor Dewey's instrumental theory of knowledge, pragmatic theory in economics stresses particular "situations" as forming a setting in which analysis must take place. The structure of our institutions at any specified time is, of course, purely an historical fact; it is explainable, if at all, solely in terms of cumulative change from pre-existing institutions moving under the stress of those factors which tend to modify habit in one direction or another. The method implies a decided restriction upon generalization, for no laws of an absolutely general nature can be discovered. Cyclical changes may appear within the working of an institution, and such a cycle

may be reducible more or less to a pattern or type. To this extent, it might conceivably be possible to predict an event like a business depression, but only so long as the structure of the institution is not too much changed. A profound change in the institution would produce a new situation and thereby destroy the general ground upon which prediction had rested. If the progression to the new situation were made intentionally, it would have to be tentative and experimental, since the working of the old institutions would offer no certain means of predicting just what would happen in the new state of affairs. Here the pragmatic theory would claim only that methodical experimentation is surer procedure than fumbling or the mere drift of circumstance. But it could not pretend to offer any assurance that a hypothesis founded on past experience would infallibly work.

III

I wish now to turn for a moment to some projects for the use of pragmatic method in the study of law. I say "projects," for the results of such study are as yet less obvious than the plans. Here the method has not, as in economics, had the effect of emphasizing historical studies, or an institutional point of view, but rather the factor of control and an attitude of experimentation. It is not denied, but rather asserted, that purpose has always been an inescapable factor in determining what shall be enforced as law. What is stressed by legal pragmatists is that the adaptation of means to ends ought to be self-conscious and methodical, a recognized part of the jurist's problem. Thus, Professor Walter W. Cook has asserted that it is the "postulate" of a scientific study of law that laws are devices to regulate conduct and that their value depends upon the way they work in attaining desired ends. Hence a knowledge of the law includes a knowledge of the ends to be sought and the effective means of attaining them.⁹

The justification of this "postulate" is found by Professor

⁹ "Scientific Method and the Law," 13 *Amer. Bar Assoc. Jour.* 303 ff. (1927).

Cook in a rather general consideration of the methods of science. Trained as a physicist, he has sought to bring to the study of law conclusions about scientific method which have been framed by students of the more exact sciences. As everyone knows, relativity and the quantum theory have produced a great amount of speculation of this sort, and even a considerable mass of popular literature on the subject. Doubtless the upshot of this speculation has been, at least in a rough sort of way, pragmatic.¹⁰ More than ever before scientists have become conscious of the influence of postulates or what Henri Poincaré used to call "conventions." A statement of even the simplest scientific fact is now known to involve such postulates, even though, as often happens, one may be quite unconscious of what is being taken for granted. Moreover, it is now known that many postulates commonly used are conventional, in the sense that there is often a considerable range of choice between alternative postulates. It is as if we had a choice of scientific languages and might state a fact in French, or German, or English; the whole expression would be determined by the language chosen, and there is no natural inferiority of one language as against another. The use of a given convention is more a matter of convenience, or what we call rather vaguely scientific method, than of necessity. The presumed necessity which was formerly supposed to belong to geometrical axioms turns out, therefore, to be familiarity or habit rather than real logical necessity.

Professor Cook and his colleague, Professor Hermon B. Phillips,¹¹ have undertaken to extend a similar dissolving analysis to the categories commonly used in legal reasoning. When a case comes before a court for decision, it must obviously be classified; it must be assimilated to some line of pre-

¹⁰ Cf. the theory of operational definition in P. W. Bridgman, *Logic of Modern Physics* (1927), pp. 3 ff.

¹¹ "A Return to Stare Decisis," 6 *Amer. Law School Rev.* 215 ff. 14 *Amer. Bar Assoc. Jour.* 71 ff., 159 ff. (1928). Cf. the introduction to J. H. Wood, *From the Physical to the Social Sciences* (1929).

decisions and settled in accordance with the rule prevailing for cases believed to be essentially similar. The difficulty is that this conception of the "essentially similar" is a loose, and even a subjective, category. For cases at law, like everything else in nature, are similar in all sorts of ways, and which similarity we judge to be essential depends principally on what we intend to do with the classification after it is made. Thus Professor Oliphant has pointed out that, starting from any case at law, we may work back to various principles in the light of which it might be decided, and also that we can carry each of these classifications back to broader and broader generalizations. It is as if the case stood at the apex of several triangles whose bases grow broader the farther we go from the specific case in hand. Now the act of classification itself does not compel us to travel in one triangle rather than another, and does not determine how far we shall think it necessary to go. For example, a case may easily involve rules drawn from the principle of contract or from that of property. Neither is exclusively the right principle, and yet the decision may depend upon which we choose to take as giving us the "essential" features of the case.

What determines, then, which of the possible lines of classification is to be followed? The answer to this question brings us back to Professor Cook's postulate. The object of the law is to regulate conduct for some end, and the end sought is the only criterion by which to decide what similarities are essential and what are not. The ruling consideration in making the choice ought to be the desirability of the practical results which will actually follow. Consequently, the jurist ought not to try to escape the consideration of ends and the means of attaining them, but should make such matters consciously and overtly a part of his study of the law. As I understand Professors Cook and Oliphant, they mean to assert that some choice of public policy cannot practically be avoided by judges and students of the law. The objection is not that jurists fail to do this, but that they do it con-

fusedly, or ignorantly, and therefore without a full sense of responsibility for what they are doing. By setting up the fiction that cases themselves contain the principles for their own classification, they really become the victims of their own pre-conceptions. There is no system of formal legal logic by which cases can validly be decided, and the pretense that decisions are made in this way merely encourages clandestine ways of making them.

Since, then, the study of law must include the adoption of social policies, this ought to be done as methodically and as intelligently as possible. It follows that a scientific study of the law must be built upon a knowledge of the actual structure and functioning of the social, economic, and political life of the people whose behavior the law aims to regulate. Accordingly, Professor Cook has argued that such knowledge must be made prerequisite to a scientific legal education and that it must be included in every scientific project of legal research. Effectively, the law is what it does. It does adjust, in some fashion, actual conflicts of interest; it does regulate, in one way or another, actual relations between persons in concrete situations; it does aid some projects and hinder others. It exists, so to speak, in the interstices of the social structure and regulates, more or less, all the exchanges between the elements of that structure. The law is not a body of abstract rules under which cases are formally subsumed. It is more truly a tissue of interacting elements of human behavior, beginning with the formulation of a rule by a legislature, continuing in the decision of a court and the consequent action of an official, and having its final incidence in the modified behavior of those for whom or against whom the law is enforced. All the direct and collateral effects of enforcement are as much a part of the law as the rule in terms of which a court chooses to couch its decisions. One means to such a realistic study of law, it is claimed, would be found in a reclassification of rules more directly in terms of the human relations affected. The traditional categories of the law, such as prop-

erty, torts, contracts, result in throwing together under one rubric political relations, family relations, business relations, and many others, which from a human point of view are radically different. Some such reclassification, I believe, is being experimented with by the Columbia University Law School.

For Professors Cook and Oliphant, therefore, the pragmatic method in law means the strict adaptation of all logical operations, such as classification, generalization, and deduction, to the conscious use of the law as a means of social control. The kinds of conduct to be regulated and the nature of the regulation desired are to be made the determining factors in choosing the properties according to which cases shall be classified and the nature of the generalizations which the jurist shall draw from the cases studied. Classification, generalization, and deduction are not to be indulged in for their own sake. Such a limitation implies what Professor Oliphant has called "an attitude of objectivity and experimentation," as against the attitude of relying upon broad, legal principles. Both men, I think, would endorse the statement of Judge Cardozo that the jurist's attitude "must be one of compromise, of adjustment, of a pragmatic adaptation of means to ends, of the relativity of legal truths."¹² More especially, the pragmatic method here implies the study of law as a social science and relating it to the other social sciences, particularly economics and politics. For a knowledge of the actual interrelationships of human beings, of their actual behavior, and of the effects of their behavior, is necessary to that conscious and methodical choice of ends and means which the scientific study of law requires.

IV

I have described at some length some of the uses to which a pragmatic method has been put in economics and the study of law, because I believe that the value of discussing methods, if any, consists more in example than in precept. Analogy

¹² *Paradoxes of Legal Science* (1928), p. 81.

may be a shaky form of inference, but nothing is commoner than for one science to be stimulated and enriched by the example of others. What the pragmatic method might lead to in political science can only be discovered by trying it, and no attempts at prophecy are likely to be worth much. At the same time, it seems only reasonable that I should try to bring the discussion down to some of the questions in which, as political scientists, we are all primarily interested. But please understand that I claim only to see as through a glass darkly.

Perhaps I may refer first to a couple of negations. It would be agreed, I suppose, that the pragmatic method is directly opposed to the type of formal legal studies which have issued in the theory of sovereignty and the juristic theory of the state. To accept the pragmatic point of view will necessarily mean that sovereignty is regarded as, at most, a passing phase of a certain type of political organization, and that its value would have to be assessed at just what legal system-making is worth in the total problem of controlling behavior by law. Without denying that it has a value for this purpose, we should certainly have to regard it as an incidental rather than a major aspect of law. One who used the pragmatic method would look in much the same way, I suppose, upon general speculations about the nature of the state as embodying the final end or purpose of the civilized community. In this case, however, we should note carefully that the pragmatist's skepticism would concern the state and not the use of a conception like purpose in political theory. That is to say, he would doubt whether in attaching purposes to the state you are not taking too large a lump to make the discussion really useful. Quite obviously, the pragmatist has to stand or fall with the proposition that every theory has a purpose somewhere behind it. If one suffers from a phobia for teleology, or believes that having a purpose is the same as "wishful thinking," it is clear that he ought to have nothing to do with pragmatism. On the other hand, if human institutions do have an element of purposefulness, and if purposes may,

by taking thought, be made more, rather than less, effective, it is hard to see how a student of politics can avoid committing himself as to what purposes actually are involved in the working of this or that institution, what are the conditions for a successful pursuit of a purpose, or what will be the consequences of aiming at one purpose rather than another. What he obviously must not do is to confuse purposes with facts. As a matter of history, political theory has almost always included an element of criticism, and therefore an element of valuation; it is at least arguable that this has been the most useful function that political theory has performed. What the pragmatist contends for is that all the cards should be dealt on top of the table; in short, that a theorist ought to be as self-conscious and as methodical about purposes as about facts.

We have seen that the pragmatic method in economics and law has set up the hypothesis that these subjects are a part of the study of human behavior, and we have seen that it is impossible to differentiate clearly the spheres of economics and law from other parts of behavior, because there really is no sharp line of division. The same result will certainly follow the adoption of this point of view in political science. Institutions of all sorts are habits that have received a social sanction, and in respect to their effects upon conduct they work in much the same way as other habits. Behavior is not in fact departmentalized with anything approaching the sharpness of the lines we have been accustomed to draw between legal and moral, economic and political. These categories are merely traditions, perhaps we might even say stereotypes, which originated solely as somebody's effort to classify social phenomena. Even though they may have served a useful purpose, their validity never consisted in anything but their utility. They correspond to nothing that exists, and it is worth asking, at least, whether they are still useful. Human behavior is controlled in many ways, even for social purposes, and often it is a matter of accident whether a control gets stamped with the sign manual of the state. Everyone knows

that the actual working of law and government is affected at every turn by customs, organizations, and social apparatus which are quite unknown to constitutional law. The truth is that our political institutions have no skin around them to separate them from other institutions, because the effective part of government is inside our own skins. The process of social dissection has to follow lines of connection wherever they lead; there is no other way to lay bare the actual nervous system even of what we call by the traditional name "political."

There is no escaping the fact that the pragmatic method will obscure, or perhaps extinguish, the traditional lines between the social sciences. We have seen that this was notably true with Veblen, and it is no less true for any form of what is called institutional economics. Is the study of the Legal Tender Acts history, or politics, or economics? Surely it needs no argument to show that there is no realistic way to approach any political question which is not also economic. Today, at least, the political and economic fabrics are knit together all along the line. In the past, governments have continually been involved in questions of ecclesiastical organization. Our notions of individual liberty and privacy are quite inseparable from the social and legal status of the family. Dip into politics where you like, and if you have set yourself the task of finding out how and why political institutions work, you will have to follow your clues across the borders of what we customarily call politics. And if, as Socrates said, you are determined to follow the argument wherever it leads, you will find yourself studying economics, or history, or psychology, or even ethics and theology. This is disagreeable in an age of specialization, but it is none the less true.

Undoubtedly this presents a difficulty; for the limitation of human capacity compels us to be specialists, whether this fits the facts or not. What the pragmatic method seems to drive us to, however, is not specialization along the traditional lines which were supposed to divide politics and economics

and law, but rather to the isolation of relatively separable problems and an attack upon them along converging lines of economic, political, and legal study. Such problems a pragmatist would expect to be located by what Professor Dewey would call "tensions" that occur in the functioning of our social apparatus. The area that a study would have to cover would depend on what we found to be relevant to the problem under examination, but in almost any case it could hardly be exclusively political or exclusively economic. In order to state the problem clearly, historical studies would almost certainly be necessary, since certain elements of the situation would be a heritage of the past. The description of the total situation would probably have to include not only existing economic and legal and political practices, but also less tangible factors, such as prevailing prejudices and beliefs. Hypotheses looking to a solution would have to include estimates of possibilities in various directions, such as possible changes in the arts, new agencies of government, new laws, and the means both of articulating these to the existing structure and of enabling them to handle the troublesome situation.

As good an example as I know of such a pragmatic investigation is the study by Professors Hamilton and Wright of the bituminous coal industry.¹³ Here factors are involved which belong to a wide range of sciences, some of them not even social. The physical supply of coal and its location belong to geology, though the amounts and the difficulty of getting it quite obviously affect the market in important ways. The mining of coal is an engineering operation which depends, among other things, on what Veblen used to call "the state of the industrial arts," but the actual engineering practices are important factors in determining at what prices coal can be profitably mined. Profits, however, depend not less upon capitalization, financing, wages, and the total state of the market, including especially the sorts of changes that are

¹³ *The Case of Bituminous Coal* (1925); *Way of Order for Bituminous Coal* (1928).

likely to take place in the market. The market, quite obviously, is a social institution rather than a natural phenomenon. It depends not only upon purchasing power, which involves the whole price system, but upon legal regulations, like the anti-trust laws, upon business and industrial practices without number. If, moreover, any change is to be made in the way the industry is conducted, a host of forces need to be considered. There is the state of the public mind, the existence of stereotypes like "private property" and "individual enterprise;" there are quite tangible differences of interest between producers, wage-earners, and the consuming public; there are political and legal instrumentalities which might be used to alter the situation, involving not only questions of practical workability but such questions as constitutionality. And, quite evidently, the nerve of the whole investigation lies in the question: What do we want the industry to do? What condition of it should we be inclined to accept as reasonably satisfactory? Unless you have some views on that subject, the whole affair is evidently a waste of time. I do not know whether anyone would call this kind of investigation political; it certainly is not very definitely economic; and it is not at all what lawyers would call legal. But it is quite impossible to do this sort of thing well without getting down to some of the actualities of political, economic, and legal institutions.

In truth, it is just this which I think may reasonably be claimed for the pragmatic approach to politics, namely, that it may force us to get down to actualities. That pragmatism is sound as a philosophical position, I think highly doubtful. That pragmatic methods will yield any considerable control over social forces, at least within the foreseeable future, I believe to be a utopian, though an honorable, hope. I do believe that functional studies of specific parts of our social apparatus, expressly with a view to discovering how they work and what they do in terms of concrete human results, is the best available method at the present time of inducing a strict realism in political theory. When I say realism, however, I

wish to disclaim the ideal of pure factual description. In the present state of social knowledge, there is no way to define the objects of a functional study except in terms of ends, and no way to liberate imagination except by including the possibilities of social functioning as well as the actualities. Paradoxical though it may seem, I would offer you the thesis that realism is impossible except upon the basis of intelligent idealism, that seeing things as they are is never quite possible except by seeing them as they might be. For the pragmatic method I think it may be claimed that it offers a large degree of freedom from tradition, a deliverance from useless abstractions, and the possibility of harnessing logical operations—classification, deduction, and induction—to problems that will not let political theory get too far away from real situations. For the next dozen years or so, this seems to me to be the road by which we shall go farthest; beyond that length of time, I have no notion what political science ought to be doing.

THE IMPERATIVE MANDATE IN THE SPANISH CORTES OF THE MIDDLE AGES

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A study of the beginnings of national representation inevitably brings to the surface details which in their time were part or parcel of mediæval practices. One cannot expect that these usages, even as connected with representative institutions, can be of concern in our more complex modern circumstances, since the Middle Ages had comparatively few and simple problems for legislative solution. In those days the questions of relationship between the administrative and the legislative, and between the local and the central or national, had not emerged clearly. Nevertheless, such details and questions are interesting as examples of mediæval theory and efficiency, and, moreover, some of them are not entirely devoid of connection with present-day difficulties.

The custom of making in advance a decision which was imposed by the electors upon their chosen representative, a custom known as the imperative mandate, was an important factor in early representative government. It was sound in legal theory,¹ and some of its practice will be seen in the pages

¹ According to ancient law, with its formalist character, judicial acts had to be performed by the interested person himself; but later the influence of certain cases in which it was possible to get away from strict formalism (for example, consensual contracts, such as marriage by proxy) made representation possible in law, and everyone could make his will known not only by a letter or a *nuncius* (a speaking letter), but also by a mandatory furnished with powers and instructions ample enough to qualify him as more than a simple *porte-parole*. By fiction, the mandatory was likened to a mere messenger, and his acts were regarded as those of the mandated person. The practice of representation, however, made its way slowly, and it was not unusual to doubt the validity of the act of the representative and to insist upon its being confirmed by the person represented. The necessity for this fiction was always likely to be present, and a remedy had to be found. When this principle was applied to a deputy to the assembly, he was regarded only as a *porte-parole* of his electors, with no powers of his own and under strict obligation to conform to the will of his constituents. J. Brisaud, *Manuel d'histoire de droit français*, 803, 1442-1443 (1903).

which follow. Also, its connection is with that early stage in popular government in which the development of representative institutions corresponded somewhat to one phase of the present. I refer to what is apparently a need to ask from the electors themselves their opinion on large, general questions of principle—for example, in our time, the referendum in Germany on the adoption of the Young Plan.

There is, I take it, no serious criticism nowadays of the theory of representative institutions, nor adverse comparison of its advantages with those of direct democratic participation in popular government (in spite of numerous deviations in practice), although confidence in the representatives chosen has often been shown to have been misplaced. The following account of the imperative mandate need have no bearing on modern times, although it may conceivably possess some interest as an example of mediæval efficiency in dealing with the simple exigencies of the period.²

When the electors impose upon their representative a decision fixed in advance,³ it is called an imperative mandate, and the person elected is rather a delegate, or an agent, who votes as instructed than a representative of his constituents who acts in accordance with his own best judgment. It will be remembered that Burke condemned this kind of "representation" in his famous speech to the electors of Bristol in 1774⁴ on the ground that it would result in sacrificing the "unbiased opinion," "mature judgment," and "enlightened conscience" of the representative if he had to carry out blindly "authoritative instructions," especially when the latter were "contrary to the clearest conviction of his judgment and conscience." On the other hand, Burke emphasized the need of the representative's living "in the strictest union, the closest

² This study has been made from secondary materials and neither unprinted documents nor archives generally have been examined. Nevertheless, it is offered in the hope that the collection and presentation of its subject-matter in English may be not without value.

³ M. Block, *Dictionnaire général de la politique*, II, 255 (1867).

⁴ *Works* (London, 1823), III, 18 ff.

correspondence, and the most unreserved communication with his constituents." The imperative mandate of the Middle Ages met Burke's objections by providing him that essential constant communion, and by supplying, in place of his undeveloped individual inclination and opinion, the concerted reason and judgment of the community, which, through having its interests to conserve, really existed in a degree unknown today. But an agent or delegate, and not a free representative, he certainly was.

A modern objection to the mandated representative is derived from the fact that the program of the present-day legislature is too complex for its issues to be covered by instructions, and that unforeseen contingencies always arise and have to be met. Hence, no set of instructions in advance could possibly be adequate. Yet it is true that in all probability every election is preceded by pledges, platforms, and professions of faith and belief by candidates and parties, although such pre-election promises fall short of the actual issues presented in a session. Such sketchiness is made inevitable by lack of time, interest, and foresight. The pre-election statements of the modern candidate might, nevertheless, be considered as an imperative mandate upon him, one which is imposed directly by himself or by his party, and to which he is morally bound. For promises unfulfilled and duties neglected beyond reason, the modern answer is a recall device or direct legislation, neither of which is a highly satisfactory check upon ill-behavior. The imperative mandate would be impracticable today, but as used in Catalonia it has some current interest and possibly a suggestion for the present.

Again, the collective vote or decision of a legislature usually represents a compromise of positions, which often has worth as a process of "give and take." Such a decision, valuable in itself, could not be provided in advance; an imperative mandate could only hinder. None the less, legislatures the world over do at present act occasionally upon some great, single question of national interest, and for these fundamental mat-

ters, the imperative mandate of the past may well afford an answer as satisfactory as does the present-day popular referendum. The imperative mandate is thus not inconsistent with representative government; it was a help to development in Spain, and its safeguards might still be usable under special conditions in modern representative government.

Since the instructed delegate acted far more as a local agent than as a representative of the nation as a whole, the conception of national representation as distinct from sectional was lacking in the mandate. National representation in the modern sense did not exist in mediæval Spain, for at none of the assemblies of the Cortes were present representatives of anything like all of the cities; nor were all of the nobles or clergy convoked. The addition of the third estate to the nobles and the clergy brought an approximation to representative government. But it must be admitted that each procurator represented only the municipality which granted him his mandate and that he certainly did not feel himself a spokesman for more than his own community. The imperative mandate, therefore, as has been suggested, may not have greatly added to the true understanding of representation and of national legislative power, which were undoubtedly present in germ; but at the same time it did not retard their development.

The advent of the third estate in the determination of national affairs probably took place at an earlier date in Spain than elsewhere. There is evidence that the people of the Spanish cities were summoned by their rulers, for consultation if not for deliberation, during the second half of the twelfth century in Leon. This was due, first, to the king's need for other aid than that given him by the nobles in freeing the country from the Moors and, later, to the flourishing circumstances of the Spanish cities, which required recognition. The imperative mandate as given by these cities to their representatives varied in degree and in conditions: in Castile and Leon it was explicit and almost unchangeable; in

Aragon, it was general and more easily modified; and in Catalonia it was as binding as in Castile, but more flexible in its provisions for constant consultation and advice. Accurate generalization always presents difficulties. This is peculiarly true in connection with mediæval Spain, for Spain was divided into separate and individualistic states; moreover, there was diversity as well even among the localities within each state; and circumstances and conditions produced great variety in Spanish institutions. Nevertheless, some general observations should be attempted before considering the specialized development in the three principal regions.

Perhaps the greatest single fact underlying the situation was that feudalism had a slighter hold in Spain than elsewhere in western Europe. There was lacking the complicated network of fiefs, or complete hierarchy from the lowest to the highest, that characterized a feudal state. Several essentials were not present—notably that relation between suzerain and vassal that meant thoroughly reciprocal duties and ties binding through the land as well as through the person. In Spain, these duties were chiefly personal. Hence, ownership of land did not carry with it dominant authority over the inhabitants, and this exemption became important in the Reconquest, when the king rewarded his helpers with grants of territory but did not, as a rule, include personal dominion over the inhabitants thereof. In other words, partial, or even complete, freedom from ties (other than to the king) was a familiar condition. This slight hindrance to fluidity of population influenced the building up of cities, especially in the regions that had to be restored after the devastations caused by Moorish occupation and later dispossession. But there were other important factors. Agriculture on barren and wasted land had become distasteful; concentration in towns had the further attraction of offering comparative safety from raids; lands reconquered from the Moors had to be peopled and cultivated under some protection and inducements in the way of privileges. Consequently, while the kings made many grants to

the nobles who had aided them in recovering the lands, they kept the greater part within their own royal domain and founded on this territory free and independent cities, to be inhabited by all who would share in the new work, whether urged to it by mere restlessness, by zeal for greater activity and profit, or by the desire to escape from their feudal lords. The very act of coming to one of the cities on the king's domain was rewarded by freedom and greater rights, as well as by enfranchisement from feudal tributes and services.⁵ The royal cities thus became collections of free men who were vassals of no other lord than the king; *fueros* were granted to them;⁶ and as they grew and acquired sufficient importance to care for and defend their own borders and interests, their charters gave them more authority—in fact, all the privileges of internal government and administration.⁷ In this constant progression toward organization and autonomy, the kings frequently aided by granting to the cities renewed confirmations of former privileges and additions of new powers as reward for support against the powerful nobility.

The eleventh century brought the rise of the municipality in Castile and Leon; the period of its regular and powerful development came in the second half of the twelfth; and from the beginning of the fourteenth century the prelude to its decline was evident in decreasing simplicity and democracy. In Aragon, the cities matured later. The thirteenth century found them increasingly prosperous, and in the middle of the fourteenth the third estate came into its own when the nobles had definitely to yield to the king. The founding of

⁵ James the Conqueror's words in founding the royal city of Figueras were: "*Quien quiera que entrare a establecerse en Figueras sea libre y no deba redimirse del domino feudal.*" Cited by J. Pella y Forgas, *Historia del Ampurdán* (1883), 630.

⁶ Briefly defined, the *fuero* was a general or a municipal charter, usually based on custom or common law.

⁷ Some of the lay and ecclesiastical seigneurs also gave charters to populations on their lands which freed the people concerned from their feudal dominion. The royal cities were far more numerous and tended to have a unifying effect, whereas the seigneurial cities were diverse, as emanating from many lords.

the *real villa* in Catalonia took place early in the twelfth century.⁸

When the cities in Spain had acquired enough autonomy and prosperity to enable them to constitute collectively a potential force, they were summoned to the assemblies of the king, nobles, and clergy, first for consultation and before long for deliberation. Admission to the Cortes gave them assured position as lever or balance in national affairs. Their decline showed itself in the choice of municipal officers. This was in effect a vicious circle in which autonomous cities, of greater prosperity because of the admission of their deputies to the national assembly, in turn caused the Cortes to become by their presence so real a power in national affairs that the king did not scruple to exert his wiles to gain control over it by meddling in the internal affairs of the cities themselves, and more particularly in the appointment of their deputies to the Cortes. The city then lost its importance, and the Cortes declined with it. The Castilian Cortes of the thirteenth and fourteenth centuries has been called the sum of all the *concejos*. Its prerogatives were secured both by means of and to the enrichment of the third estate, and the diminishing of the advantages of the one would bring down, *pari passu*, those of the other. Even the device of the imperative mandate, which attempted to keep constant the will of the *concejo* in the assembly of all, could no longer block the domination of centralizing royalty.⁹

⁸ The third estate was at first of slight importance in Catalonia, but through the extraordinary development of commerce and industry it came to have preponderating influence. Barcelona very early was a sort of democratic republic which, from its geographical position, naturally turned to commerce, navigation, and industry, and its influence over the rest of Catalonia was great. Hence it led and guided all the other cities in matters of government as well as of economics, and this leadership made for unity and centralization in Catalonia. Pella y Forgas, *Historia del Ampurdán*, 634.

⁹ I shall limit the explanation of terms to the municipality of Castile, but that will sufficiently make clear also the *universidad* of Aragon and of Catalonia. The word *concejo* is of very old use in Spain, and occurs synonymously and indiscriminately with the other words, *villa* and *ciudad*, but more for personifying the city, as comprised of its territory and inhabitants. The individuals forming the *concejo*, in turn, became the *vecinos* (inhabitants) of the city or town. In

To the king belonged the right of assembling the Cortes. The letters of convocation designated the time and place of meeting, and, ordinarily, the purposes underlying the meeting. Between the imperative mandate and a convocation which stated why a Cortes was to meet there is an evident connection, and, furthermore, periodicity of assembling is concerned. When the electors were notified in advance of the matters upon which their representatives were to consult or to deliberate, the latter could be directed how to act, and their powers could be limited and defined with greater or less precision. On the other hand, when meetings of the assembly became the expected procedure, to be followed with some regularity because, for the most part, occasions were similar and needed similar action, the letters of convocation were naturally less explicit regarding the objects of the meeting. In the latter circumstances, the powers given had to be broader and more general, since the procurators sent by the municipalities could be less restrained by previous orders and thus would be more free to act unless the giving and receiving of instructions could be carried on con-

explaining the homage due to the king, the Second Partida stated that each *villa* should assemble its *concejo* “*á pregon ferido*” to choose men to swear for all, great and small, “*varones et mujeres, nacidos y por nacer.*” For the text, see *Las Siete Partidas* (Madrid, 1807), pt. 2, tit. xv, ley 5 (37). From this, Señor Gregorio Lopez, the editor, concluded that those who formed this assembly of inhabitants were only the *varones mayores*, fourteen years of age. Hence, the *concejo* at the end of the thirteenth century would comprise all the inhabitants fourteen years old who had full civil rights. So constituted, the *concejo* had a single entity of its own (*sola entidad*); it was a corporation aggregate. Eduardo de Hinojosa, *Estudios sobre la historia del derecho español, passim*, especially pp. 65-70 (1903).

Señor Colmeiro defined the *ayuntamiento* as “*la junta de vecinos presididos por el estado de la justicia para ordenar el gobierno de la ciudad*,” that is, the governing body. It made the municipal ordinances, based on custom and on the privileges granted to the *concejo* by the *fueros* and charters, and it usually named the officers of the *regimiento*, or administrative board, whose individual members were the *regidores*. The disorganizing change in these communities thus took place through the gradual dislocation in the *regimiento* of the proportion of persons not of their own choice. In general, see M. Colmeiro, *De la constitución y del gobierno de los reinos de Leon y Castilla* (1855), and particularly II, 164-171, for a statement of the usual municipal officers in Castile.

temporaneously with the sessions of the Cortes. In Castile and Leon there was no provision for fixed meetings. The Cortes assembled when, in general, the presence of the nation was necessary for its authority or consent, especially in the imposition of new taxes or services.¹⁰ But in Aragon and in Catalonia, by the end of the thirteenth century, there was periodicity, if not regularity, in the meetings of the Cortes.¹¹ The corresponding differences in the mandates given will be noticeable.

The use of the imperative mandate also affected the election of procurators. When the representative's power of decision and action was controlled by the municipality through the mandate given to him—that is, when the municipality was present at the Cortes in all but actuality—his person was of slight importance. It mattered comparatively little who was chosen, or by what method, merely in order to carry the municipality's decision to the Cortes. Elections were characterized by the same lack of uniformity that existed in the organization of the cities and towns and in their representation at the national

¹⁰ It was at least customary that the Cortes should assemble at the death of one monarch to swear fidelity to the new ruler and for his coronation, to concur in the guardianship of a minor, and to consult in all serious and difficult circumstances of the kingdom. Colmeiro stated that the only legal limit to the absence of the Cortes in Castile was the need of paying every seven years the *moneda forera*, so that no more than five years could elapse before the voting of the necessary funds was required (*Curso*, I, 349). The Cortes of Palencia in 1313 imposed during the minority of Alfonso XI the obligation to call a Cortes at least once in two years. A. Sacristan y Martinez, *Municipalidades de Castilla y Leon*, 305 (1877).

¹¹ It is probable that before 1283 there was no fixed rule as to periodicity. The provision for annual meetings in the General Privilege of 1283 and in the Privileges of the Union was modified in 1307 for biennial meetings, and again renewed in 1348 and 1381. M. de Bofarull y Romaña, *Las antiguas Cortes*, 46 (1912). In Catalonia was granted in 1283 the right of regular assembling of the Cortes every year at whatever time seemed best, provided no just reason prevented it. This was reiterated in 1292, and in 1300 a definite day for assembling was appointed, the first Sunday in Lent. The following year, however, the rule was again changed, to provide for meetings only every three years, except in case of emergency. V. Belaguer, *Estudios históricos y políticos*, 284-285 (1876); J. Coroleu y J. Pella y Forgas, *Las Cortes Catalanas*, 35 (1876), *Los Fueros de Cataluña*, 524, 529 (1876).

legislature. The method of choosing deputies depended upon the individual locality, since each might follow its particular customs. For the most part, democratic practices prevailed until the fifteenth century. After that, the royal power interfered often, at first only to influence the choice by gifts and promises, but, finally, by the actual naming of the procurators or by their coincidence with the royal officers in the cities. One may say that in general the procedure in the various communities differed (1) as to the mode, whether by lot, election, or turn (succession); (2) as to the number of degrees, either proceeding directly or by two, and even three, steps; (3) as to the participants, whether the electors were the male inhabitants, the citizens, the heads of families, the governing body, or still others; (4) as to the choice of persons elected, whether or not confined to the official body.¹² These details depended upon the laws and customs, and upon the degree of independence enjoyed by the community. If there was one practice more usual than another, it seems to have been that of representation by officers of the *concejo*, chosen by lot from among all the eligible names, or selected by their colleagues.¹³

Just as the beginnings of representative institutions vary widely in the principal regions of Spain, so we find similar differences in respect to the imperative mandate: it was almost constantly used in Leon and Castile; it was only exceptionally employed in Aragon; in Catalonia, the device of the Vintiquatrena de Cort (in Barcelona, and what corresponded to it in the other cities) was regularly followed and made

¹² See, for example, V. Piskorskii, *Kastil' skie Kortses* . . . 34-35 (1897); Bofarull y Romaña, 37; T. Marina, *Teoría de las cortes ó grandes juntas nacionales de los reinos de Leon y Castilla*, I, 197 (1813).

¹³ Although there was variation in the number of procurators sent by each community, two was the usual number; but in no case did a city have more than one vote. Zaragoza in Aragon and Barcelona in Catalonia always sent larger delegations. In Catalonia, moreover, the votes were weighed and not counted. See Piskorskii, 38-39; Colmeiro, *Curso de derecho político*, I, 325 (1873); Coroleu y Pella y Forgas, *Las Cortes catalanas*, 61; A. Marichalar y C. Manrique, *Historia de la legislación y recitaciones del derecho civil in España*, VII, 200-201 (1862).

strictly binding upon the deputies. I propose to treat here the imperative mandate for each of the three regions in turn, but with varying emphasis.

I. LEON AND CASTILE

When the deputies of the commons went to the Cortes, they were prepared in two directions: (1) to cast their vote on the matters proposed by the king or his lieutenant, and (2) to present their own grievances. For both they could be instructed in advance, since the convocation ordinarily stated the purpose for which the Cortes was summoned, inasmuch as in the Middle Ages parliamentary business was limited, national, and concerned with important matters, such as a new tax or subsidy, a war or peace, a guardian for a minor king, or fealty to a new ruler. Upon receipt of the letters of summons by the municipalities, the contents were made known to the *concejos*, the proposals and desires of the crown were discussed, any "public opinion" existing was manifested, and an agreement taken regarding all the matters submitted for deliberation.¹⁴ Next, the towns swore to choose the most worthy representatives they could find. The grievances were then listed for presentation either individually from each municipality or, more often, as collected by the assembled deputies into a longer list that represented the grievances of the whole people.¹⁵ The deputies of a town might be charged to agree to all of the king's proposals, or to disagree, with or without conditions.

From their instructions, whatever they were, the procurators were not free to depart by a single line.¹⁶ Hence, upon leaving their cities, they took with them a complete or definite mandate that might be full or limited, containing the petitions to be presented for their constituency, the detailed instructions given in advance regarding the responses that they must

¹⁴ J. H. Mariéjol, *L'Espagne sous Ferdinand et Isabelle*, 137 (1892); Sacristan y Martinez, 307.

¹⁵ Mariéjol, 142; Piskorskii, 39.

¹⁶ Colmeiro, *Cortes*, I, 37.

make to the royal demands, and, finally, their own solution, locally arrived at, for the matters pending. In any event, the deputy was informed beforehand how he was to act and what he was to demand from the king.¹⁷ The towns as a rule required their deputies to take oath neither to vary from their instructions nor to overstep their mandates, and this act of procuration was officially authorized by a public notary.¹⁸ It was, in fact, the imperative mandate in all its vigor, based upon the legal fiction that the *concejo* was present, so that if the procurator spoke, it was the voice of Zamora or Seville, Salamanca or Cordova. Once in the assembly, the deputy, therefore, must abide by the instructions given him by his community and must vote according to them. If there was a grave doubt to prevent him, or if there arose at the session a matter not considered in his mandate, his duty was to ask for a suspension of voting until he could submit the revised or new question to his constituents, the *concejo*.¹⁹ In January, 1425, for example, a Cortes was called together at Valladolid by John II for the purpose of swearing fealty to the Doña Leonor, but, since between the time of convocation and of assembling a male heir was born, new letters were despatched to all the cities commanding new powers to be issued to their procurators, so that the latter should have authority, instead, to swear fealty to the new prince.²⁰ All this meant, that the person who bore the city's vote was a true mandatory, of little importance himself; and as such it was an offset to any detrimental effects of the electoral system, so often carried out merely by drawing lot.²¹

When, by the end of the fifteenth century, the royal letters of convocation had become less explicit than in earlier times,

¹⁷ See the instructions given to the procurators of Toledo at the Cortes of Madrid, 1551, as quoted by Marina, I, 223-230.

¹⁸ Colmeiro, *Cortes*, I, 29, II, 104-108; Piskorskii, 40.

¹⁹ V. Santamaria de Paredes, *Curso de derecho político*, 512 (1887); Sacristan y Martinez, 307; Bofarull y Romaña, 37-38; Piskorskii, 39.

²⁰ Colmeiro, *Cortes*, I, 38, 430-431.

²¹ *Ibid.*, I, 29; F. Mellado, *Tratado elemental de derecho político*, 548 (1891).

definite and appropriate mandates could not so well be imposed. Later, the king began to indicate in the convocations the extent of the mandates which he desired the municipalities to intrust to their mandatories; more often than not, he expected "full powers" and unlimited mandates. In convoking the Cortes of Santiago de Galicia in 1520, for example, a copy of "model" powers to be granted to the procurators was sent with the summons.²² The towns opposed this and protested against it until, with the king's intervention in naming procurators and in general municipal affairs, their effective resistance was practically gone.²³

²²From the convocation: "eligades e nonbredes doss buenos personas de vosotros, quales entenderieredes cumple a nuestro servicio e al bien e pró comun desa dicha çibdad por procuradores della, á lo cuales vos mandamos que dedes e otorguedes vuestro poder bastante e conplido para hablar, e platicar, e tratar con ellos juntamente con los procuradores de las otras çibdades, villas e lugares dellos, las cosas que entendemos e entenderemos de proveer e dexar proveydas que conçiernan al servicio de Dios El qual dicho poder vos mandamos que dedes e otorguedes a los procuradores que asy elegierdes al tenor desta presente, como vos enbiamos ordenado, firmado de Antonyo Villegas, nuestro secretario, para que venga en conformidad con los poderes de las otras çibdades, . . ." *Cortes de Leon y Castilla*, III, 287.

From the *Traslado del poder de los procuradores que han venyr a las Cortes*: "... Por ende, en voz e en nonbre de la dicha ciudad e de todos los vezinos e moradores della, otorgamos e conoscoemos que damos e otorgamos todo nuestro poder conplido, segund que lo nos avemos e tenemos e segund que mejor e mas conplidamente lo podemos e devemos dar e otorgar de derecho a vos, *fulano e fulano*, para que en nonbre de esta ciudad, como procuradores de Cortes de ella, podays yr e vayais a las dichas Cortes que sus Majestades agora mandan llamar . . . ante la qual os presenteys como procuradores della, e para asy presentados podays en nonbre desta dicha ciudad . . . juntamente con los otros procuradores dellos, ver, e platicar, e conferir, e tratar sobre todas e qualesquier cosas concurryentes al servicio de Dios. . . .

nos, desde agora lo consentimos e aprobamos, loamos, e ratificamos, e otorgamos, e lo avemos e tenemos por bueno, e nos obligamos de lo tener, guardar, cumplir e pagar, e aver por firme, rato, e grato, estable e valedero para agora e para sienpre jamas, como sy nos mismos lo hiciesemos e otorgasemos e a ello presentes fuesemos, e de no yr ny venyr contra ello ny parte dello en nyngun tiempo lo obligacion de nuestras personas, e bienes, e de todos los vecinos e moradores desta dicha çibdad, en firmeza de lo qual firmamos en esta carta de poder nuestros nonbres, e la otorgamos antel escriuano de nuestro cavildo, e la sellamos con el sello desta dicha çibdad. . ." *Cortes*, III, 288-290.

²³ Piskorskii, 40-42.

In Toledo, for the Cortes convoked by Charles V at Santiago de Galicia, when the choice by lot fell upon two procurators in whom the *ayuntamiento* had not great confidence, the ample and generous powers demanded by the emperor in his summons were withheld, and the procurators were directed to hear what was proposed in Cortes and then, before making their response, to consult the city and await its orders. But in the hope that the emperor would demand that Toledo grant more generous and complete powers, the procurators would not go to the Cortes. The *ayuntamiento* stood firm, however, and finally chose new deputies to whom was given especial power in a brief, comprehensive instruction containing several definite matters. In the Cortes itself, the royal persistence in trying to persuade the deputies to grant a subsidy for which they had no instructions brought no result, for the deputies of Toledo and of some other places alleged lack of powers, keeping to their position that they were nothing more than mere mandatories of the towns which they represented, obliged to follow in all things the orders given by their constituents, and unable to assent to anything without having first received the necessary instructions. In this extremity it is obvious that the imperative mandate might serve as a safeguard to withstand encroachment on national liberty.²⁴ Quite plainly, more confidence was placed in the discretion, and especially in the greater firmness, of the city itself, away from royal persuasion, than in the single and uncertain procurator who had ambitions and thus might be humanly susceptible. But in 1520 the emperor's answer was to suspend the Cortes for several days, until calm was restored, and to remove the obstinate procurators of Toledo and Salamanca from the court.²⁵

²⁴ Marina, I, 231-232. Marina adds the reply to Pedro Laso, procurator of Toledo, to the emperor that he would consent rather to be quartered or to have his head cut off before he would go outside the limits of the instruction and power given him by his community or submit to anything prejudicial to Toledo and the kingdom. His virtue, and that of the other patriots, was rewarded by banishment from the Cortes.

²⁵ Colmeiro, *Cortes*, II, 104-105.

After dissolution of the Cortes, the custom was that the deputy owed to his *concejo* a complete account of the proceedings, in order to absolve himself of responsibility for not having fulfilled loyally the task put upon him, or to excuse himself for any misstep. That this "*juicio de residencia*" was not merely formal but a reality, which might be followed by severe treatment, is attested by the classical example of the disgraced Roderigo de Tordesillas, procurator of Segovia, who was arraigned by his community because he voted without power or authority for a subsidy asked by the Crown in the Cortes of Coruña in 1520. Adjudged guilty, he was dragged ignominiously through the streets by a rope around his neck, and later was hanged by the feet. This violent act of reparation, seemingly extreme, was in accordance, however, with the public opinion of an enraged town that the powers given by the *concejo* constituted law inviolable for the procurator.²⁶

One of the sixteenth-century measures for counteracting the obstinacy of the municipalities in granting restricted powers was to forbid the deputies to report to their constituents what had happened in the Cortes or, without express permission of the king, to consult them in case of doubt.²⁷ Very likely in any event such exemplary conduct had come to seem like a work of supererogation in the more sophisticated years of the sixteenth century, for it had certainly been relaxed when we find the communes begging Charles V that, after the Cortes, the procurators be bound to report to their constituents what had been done at the session, particularly with reference to satisfying their petitions.²⁸

Occasionally dissension might arise among the procurators

²⁶ Bofarull y Romaña, 38; Colmeiro, *Constitución*, I, 336-337, Cortes, II, 108. The procurators of Zamora, who had fled from the city, were dragged through the streets in effigy, since they could not be secured otherwise; and in Valladolid the house of one deputy was burned while its owner escaped death through his own diligence in avoiding it. By 1632 the procurators had to swear that they would not divulge to their cities what had gone on in the Cortes. A. Nuñez de Castro, *De las Cortes en . . . Castilla*, 223 (1821); Marina, I, 273.

²⁷ Marina, I, 235-236.

²⁸ Colmeiro, *Curso*, 318-319.

as to the competence or meaning of their powers. With no law or established custom sufficient to decide the dispute, the king, on the one hand, claimed settlement as within his prerogative, and the procurators, on the other, contended that they had exclusive right, absolutely independent of the king or other judge. John II refused to give up his prerogative and in the Cortes of Valladolid, in 1442, reaffirmed his right to settle a disputed procuration.²⁹

When the king was meddling successfully in municipal affairs, especially by naming the deputies in accordance with his own desires, the towns tried, for a time at least, to thwart him by granting only very limited and special *poderes*, with the express stipulation that the town should be given notice beforehand whatever was to be asked in the Cortes, so that its procurator might make a fitting response. The latter, furthermore, was required to swear not to exceed his instructions. Zamora, as well as Toledo, did this on the occasion of the Cortes of Coruña, at the session postponed from the rebellious Cortes of Santiago de Galicia, when the two procurators chosen by lot were not given ordinary and sufficient powers because they were not trusted. They considered this a disgrace to themselves and besought the emperor to release them from their oath, and, considering themselves then absolved from subjection to their city's instructions, they voted for the subsidy demanded, quite as if the power given them had been absolute and full. But they were regarded as traitors, as enemies to their community, and they paid dearly for their indiscretion. Sometimes the king even discharged a procurator on the chance that another and more submissive deputy might be named. The abuses came to be many, particularly at the Cortes of Valladolid in 1518 and of Santiago and Coruña in 1520.³⁰

Still other means had to be sought to break the bond which

²⁹ *Ibid.*, Cortes, I, 38, 499-500; Cortes de Leon y Castilla, III, 407-408. The *cuaderno* of the Cortes, Article 12, contains the request of the cities and the king's answer.

³⁰ Colmeiro, *Constitución*, I, 337-338, Cortes, II, 104-108.

united the will of the deputy to that of his city or town. In the Cortes of Burgos (1515) the king set up a new practice whereby deputies must present their powers to the crown's officers for examination and approval as "sufficient to treat in Cortes."³¹ Later, when their powers were examined, the procurators were also obliged to declare on oath whether or not they were bearing additional or secret instructions from their cities.³² This revision of powers by royal officers does not seem to have been a successful experiment, save that it led to other fresh attempts to gain the king's end. In his call to the Cortes of Santiago de Galicia (1520) Charles V ordered the municipal officers, among other grants, to give to their chosen procurators (who should be good persons diligently selected for his service and desirous of the public good) powers conformable to the model sent with the *carta*.³³ This command was a serious attack upon the practice of the imperative mandate and upon the powers of the third estate, since the imperative mandate, with its restricted authority, was still an essential part of the constitution of Leon and Castile.³⁴

In the convocation of the Cortes of Madrid in 1632, Philip IV demanded that the cities should send procurators with powers full and sufficient to vote decisively anything that might be proposed to them on pain otherwise of not being admitted to the assembly. The procurators themselves were required to take oath not to bring with them secret instructions or restrictive powers from their cities, or anything else to limit their freedom, and precaution was taken against any such limitations being received while the session lasted.³⁵ This seems a final breaking-down in the check of a particular mu-

³¹ *Ibid.*, *Constitución*, I, 339, *Cortes*, I, 39.

³² Marina, I, 236.

³³ See note 22.

³⁴ Colmeiro, *Cortes*, I, 39.

³⁵ *Ibid.*, *Constitución*, I, 338; Marina, I, 239; Nuñez de Castro, 219. This practice was kept in the Cortes of Madrid, 1789.

nicipality over the acts of its representatives by means of the imperative mandate.

During the thirteenth and fourteenth centuries municipal liberties had been reflected in the Cortes, so strong was the bond of union between the *concejos* and the members of the Cortes, those procurators bearing the vote and will of the *concejos*. When this was broken—when “the Cortes lacked the juice which fed it”—strength to oppose the power of the monarch began to fail in the Cortes. Even when the cities and towns that were far enough away still resisted by giving instructions according to their own aims, their procurators while at the Cortes, in the presence of the king or his representatives, as a rule lacked courage to withstand him, and in all probability they were humiliated later by their communities. For the most part, the *concejos* had to obey the order insisting upon full powers; but that some were not quickly subdued seems evident from various examples of deputies who even in the later times excused themselves from voting or who admitted bearing limited powers.³⁶

II. ARAGON

In Aragon, the form of the powers given to the procurators by their communities was not that of the imperative mandate; instead, they received their authority in general terms, ample in amount for discussing, for treating, and for voting on whatever matters arose in the legislature. This did not preclude, however, special secret instructions, although these were perhaps of a general character and separated from the grant of powers, through which the deputy could be informed in advance of the opinion held by his constituency on matters likely to be considered, and informed also of what it held to be its own interests in the affair.³⁷ When a community had marked desires and aspirations regarding certain concrete points, it

³⁶ Colmeiro, *Cortes*, I, 39-40.

³⁷ Mellado, 556; Bofarull y Romaña, 45.

was natural that instructions about these should be given. But the grant of powers was broader than that bestowed upon the Castilian procurator, since it apparently permitted him some freedom in voting, subject always to the general instructions, and also to special restrictions if the convocation had been sufficiently explicit to make instructions possible. For example, in 1461 Zaragoza instructed its procurators to consent, under no circumstances and in no form, to the installation of the levy of *sisas* in the kingdom.³⁸ When the convocation did not specify the items of business involved in calling the Cortes, as would happen in annual or biennial meetings, the authority given would have to be similarly vague. The grant of a subsidy would, in the main, come to be an expected demand, and, provided it was not unusual in amount or nature, it would, therefore, require no special powers. The reasons underlying this less imperative form of mandate in Aragon may be suggested herewith.

The Aragonese Cortes had very substantial powers. With the king it made or approved all *fueros* and laws; it interposed frequently in matters of war and peace, and even sometimes in the appointment of embassies; it voted all extraordinary taxes and aided the king in finding subsidies for wars;³⁹ it had some share in controlling administration.⁴⁰ The assembly, moreover, sat more frequently and demanded more prerogatives, and with steadier insistence, than did the Cortes in Leon and Castile. To these wide and recognized powers the communities were accustomed; in addition, the privilege of sending representatives to the Cortes had been acquired with comparative ease.⁴¹ At all events, the municipalities seem to have had more pride in the central institution and less

³⁸ Marichalar y Manrique, VI, 183-184.

⁴⁰ The king collected the ordinary revenues, "pero las rentas propias del Estado se cobraban por los diputados del reino y consistían en los derechos de importación y exportación, peages, etc., á que se llamaba *Derechos del General*." Marichalar y Manrique, VI, 189. At times of urgent necessity the king appealed directly to the *ricos hombres*, who gave subsidies in return for additional privileges.

⁴¹ *Ibid.*, VI, 187-194.

jealousy of it. Whether because of a conception of representation more modern than mediæval, or because of other factors, the Aragonese procurator certainly did not bear a character so purely that of the *mandatorio* as did the Castilian; and narrowly restricted powers were the exception rather than the rule. Perhaps there was less need of pointing out the particular interests of the municipalities since in Aragon there was less freedom in selecting deputies from outside the governing body. The institution of deputations to act during intervals when the Cortes was not in session constituted a further element in the situation which, by assuring general control over affairs, gave a national rather than a local quality to the legislature. The Cortes in Aragon was thus more a central body and less an assembly of local delegates. To work for the good of the whole had been from very early times a general characteristic of Aragonese policy. In sum, the Cortes had wide powers, and its control was less tenuous than in Castile; the cities were accustomed to it; therefore, narrow restriction of powers may not have been thought necessary.

In this connection there should be mentioned the use of the *disientio* in Aragon, by which, until 1592, the unanimous vote of all members present in all the houses of the Cortes was required in order to enact laws (save in the case of affairs of justice, *greuges*, and a few appointments). Actually, this situation, which was capable of producing serious and prolonged deadlocks, did not greatly interfere with the work of what has been regarded as one of the most effective of mediæval parliaments, for it was nullified in practice by the choosing of commissions whose unanimous decision was accepted as if

⁴² A municipality might send its deputies to the Cortes if it had ever sat there by authentic summons; thus invitation to attend was not entirely dependent upon the king's whim. It was probably more by nature an obligation, based on feudal tradition, than a right, especially in earlier times. See the clause used in charters, "*quod teneatis venire ad curiam*" (*Historia del rey de Aragon, Don Jaime*, I, 242). See also G. Martel, *Forma de celebrar Cortes en Aragon*, 10-11 (1641); J. M. Antequerra, *Historia de la legislación española*, 309 n. (4th ed., 1895).

no dissent could occur against it. Naturally, the commissions were named by those in the majority and from their own supporters, and complete agreement was sure to follow. Interaction between the single veto and the imperative mandate would have been unfortunate for the passage of legislation, and could doubtless have rendered a deputy's mission ineffective. But at the same time both might serve as a safeguard against a too active outcropping of individual predilection and judgment.⁴³

In Navarre, which in the early and in the late Middle Ages politically was Spanish, and always more akin to Aragon than to Castile,⁴⁴ the mandate existed in its less imperative form, more strict than in Aragon but less so than in Catalonia and in Leon and Castile. For a long time the Cortes met only when its presence was imperative, and the letters of convocation gave the reasons for the summons. Accordingly, the municipalities were enabled to grant to their representatives powers which permitted them to treat only of the matters contained in the convocation and for which, therefore, they were chosen. When, later, the Cortes had become more regular in its meeting and had acquired the right of voting the impost, the obligation appears to have been no less binding, although the mandates often contained full powers, and delegates were sometimes allowed to use their own prudence in acting upon proposals. Yet in 1505, when the two upper houses tried to introduce some reforms, the procurators of the third estate

⁴³ See Marichalar y Manrique, VI, 217-220; Martel, 2; also Marquis de Pidal, *Philippe II*, Antonio Perez et le royaume d'Aragon, I, 37 (1867).

⁴⁴ Navarre was a Spanish state until 1234, united to the crown of Aragon from 1076 to 1134, and with an independent king after that date. From 1234 to 1513 its affiliation was French, since it belonged successively to the house of Champagne, the French crown, the houses of Evreux, Foix, and Albret. By the marriage of John of Aragon to Blanche of Navarre, John became titular king of Navarre in 1425, but with little or no actual power. While it was not incorporated with the kingdom of Castile until 1520, during the last quarter of the fifteenth century treaty agreements made the kings of Navarre virtually protégés of Spain, and actual possession was taken by Ferdinand the Catholic in 1512 or 1513. R. B. Merriman, *Rise of the Spanish Empire*, *passim*.

refused to pass them, alleging that shortness of the time remaining would not permit them to consult their towns on the matter, and that they were prepared to consider only the business for which they had been convoked.⁴⁵ It should be added that in Navarre the third estate did not hold a position of great power, not merely because of its submergence by the clergy and the nobles, but also because of the fact that, beneath the unanimity rule, the third estate could always be outvoted by the other two estates. Later, the clergy, being the smallest house and holding the balance, were able to promote or to impede action. Hence, what the deputies of the cities did in the Cortes was of itself not influential enough to warrant the strong measure of the imperative mandate with its limited powers.⁴⁶

III. CATALONIA

In Catalonia was found a situation similar in many respects to that in Aragon. Here the Cortes possessed substantial powers that were constantly needed in the work of legislation. After 1283 it convened at regular periods and was convoked by letters that ordinarily did not set forth the particular occasion for assembling. In short, the calling of a parliament had become a regular procedure with no need for giving reasons for so doing. But there in our study the similarity stops. It might have followed logically that the powers given by the municipalities to their procurators would not in form contain the imperative mandate, but instead would be general permissions, as in Aragon, ample for treating, for deliberating, and for voting on whatever question might be raised in the legislature. Only for granting a service of "gracious donation" might it be necessary to have a concise condition.⁴⁷ Yet the fact was that these *sindicados* in Catalonia always were merely procurators or mandatories and that their acts were rigidly

⁴⁵ Marichalar y Manrique, IV, 421-422.

⁴⁶ M. Danvila y Collado, *El poder civil in España*, I, 220 (1885); Santamaria de Paredes, 532.

⁴⁷ Marichalar y Manrique, VII, 206.

circumscribed, perhaps even more strictly than in Leon and Castile, but by a different means. The effective machinery was a continuous and direct contact with another body which in Barcelona was the *Vintiquatrene de Cort*, or permanent Commission of Twenty-four, and in other cities and towns was the town council itself. By this means the will of the *pueblo* need never be unknown in public business, and thus the deputy could not be diverted from his duty by intrigue, by bargain, or by favor. The syndics had to swear solemnly that they would not consent in any manner whatever to acts of business in the Cortes without the advice of the commission except in serious questions demanding immediate action for an injury incurred during the session.⁴⁸ They were in continual, almost daily, communication, and the conduct of the deputies was completely marked out for them by the orders and suggestions from the town councils and commissions. In return, the municipalities are said to have given to their deputations very good quarters and food, with decent salaries, and, on the less material side of things, they frequently sent specially delegated persons, often capable attorneys, for aid and consultation in technical matters. The deputies themselves made continuous reports to their municipalities, telling fully of all the matters great and small, even of the solemnities, that arose in the course of the legislative session. These were answered by the council or the commission, in the name of the city, pointing out the line of conduct that ought to be followed, with sufficient instructions to prevent the deputies from compromising themselves or their cities.

This expertness in interchanging information and advice came more easily because of the care taken by the municipalities in arranging living quarters for their deputies. Everything possible was done in order that they should be com-

⁴⁸ They also took oath before going to the Cortes that they would not, during the time of the mandate and within five years after its ending, accept any occupations or honors. Belaguer, 287.

fo. able, free from dangerous influences, and maintained in a dignity befitting their office. If a city sent several representatives, they were housed together, ate at the same table, and had plenty of opportunity for discussion and agreement concerning the issues at hand and in regard to their duty relating to them. Thus, in 1435, when the Commission of Barcelona could not find a suitable house which was large enough for its delegation, it rented two houses, one being in front of the other, and had a bridge built over the separating space in order that the representatives might live as much as possible like one family.⁴⁹ In short, the municipalities spared no trouble to assist their deputies, and in return could demand fulfillment of the serious obligation placed upon them.⁵⁰

If the deputies exceeded the limits of their mandate, which was to act according to instructions given at any moment (thus there was a difference between a mandate and limited powers), or if they disobeyed their instructions, the *universidades* of Catalonia could revoke the agreements made by them. To such an extent did this go that a deputy could not even leave the Cortes for any reason whatever until he had permission from his constituents, who were consistently strict. Finally, there was introduced somewhat later the practice of solemn denunciation, with censures of the Church, both for the deputies and for the commissioners who failed to live up to their charge in the exercise of duty.⁵¹ Another extreme step, on serious occasions, was the appeal for revocation of the powers granted to a disobedient deputy and his severe degradation, such as the city of Barcelona visited upon one of its representatives during the Cortes of Monzon in 1585. Behind this action lay the idea that the powers of political

⁴⁹ Coroleu y Pella y Forgas, *Cortes catalanas*, 84. In 1422 the law stated that the Cortes must be held only in places having two hundred fires or hearths, in order to assure adequate provision of the necessities of life for the deputies even under the unusual circumstances of the great assembly. *Ibid.*, 35, *Fueros*, 525, 529-531; Pella y Forgas, *Libertats y antich govern de Catalunya*, 136 (1905); Marichalar y Manrique, VI, 202.

⁵⁰ Coroleu y Pella y Forgas, *Cortes catalanas*, 84-86, *Fueros*, 520-521; Perez, 22.

⁵¹ Coroleu y Pella y Forgas, *Cortes catalanas*, 87.

agents, when exercised *ultra vires*, could be revoked by a collectivity, as an individual might revoke those of his agent. This is interesting as an early conception of what at a considerably later time was connected with the extreme radicalism of Rousseau and the French Revolution.⁵²

The Commission of Barcelona, or the *Vintiquatre de Cort*, in its association with the imperative mandate was probably one of the most unusual features of the representative system in Catalonia, as were the municipal councils in the other cities and towns. The Twenty-four in Barcelona was elected immediately after the deputies, in the same manner and with the same ratio of members to the four classes among the electors,⁵³ and was considered a safeguard against any hazards inherent in the method of securing loyal and intelligent deputies from among an increasing population. It had a permanent place in the Catalanian parliamentary system. To carry out its duties, the commission had complete powers, even to issuing positive orders to the deputies—orders which comprised within their scope the most serious affairs of state and the most minute matters of housing and personal safety.⁵⁴

⁵² *Ibid.*, 88.

⁵³ Eight were taken from the class of "honored citizens," which included *caballeros* and *jurats*, and no more than three *caballeros* might be chosen, although none need be (apparently to have some was considered wise); there were six merchants, five artisans, and five mechanics, drawn from the lists of their respective classes. *Ibid.*, 81.

⁵⁴ A joint commission of eighteen, called the *habilitadores*, and composed of representatives from all the *brazos* chosen by both the king and the Cortes, examined the powers and credentials of deputies claiming the right to sit in the Cortes. These they scrutinized to see whether such delegates had been duly elected and were bearing the proper powers, excluding those improperly there, with no right of appeal. They also judged, and severely, in cases of late-comers. So extensive were their duties that, according to Peguera, there were at least thirty-nine rules containing the principles followed by these officials. (See Coroleu y Pella y Forgas, *Cortes catalanas*, 107; Belaguer, 290.) Like Aragon, Catalonia had an executive body of six, the *Deputation*, to act during intervals when the Cortes were not in session. The *deputation* had jurisdiction superior to all tribunals and supervised obedience to the laws; it controlled the collection and spending of the public funds, and, in general, acted in defense of national liberty. It also could serve as a check upon the deputies.

The limitations placed upon the Catalanian syndics, to ensure compliance with the will of the municipality and at the same time to permit a breadth of action for which a mandate given in advance could not foresee the need, represents, it seems, a real solution for the age. When there is added to this the provision of expert advice, publicly furnished and continuously available, unusual enlightenment appears to have been reached. Only the obligatory element could offend our modern susceptibilities, or, indeed, those of Burke.

An immediate result of the system of the imperative mandate had been to transfer to the municipalities themselves much of the interest in the discussion of problems and all real popular control over public affairs. The procurators had no initiative, their mission being reduced to voting and proposing only in accordance with their powers and with no faculty of passing over them. Personal opinions did not count and, furthermore, were not subject to modification in the assembly. Hence it might result that neither personal convictions, whether modified or not, nor the accord which might emerge in the sessions of the Cortes, could alter the resolution earlier reached by the municipality, of which the deputy was merely the executor. Nevertheless, the imperative mandate need not have prevented a flexible attitude toward public questions, especially in Aragon and in Catalonia, where intercommunication was feasible between the procurator and the administrative officers of the municipality. In fact, the *Vintiquatrema de Cort* seems particularly adapted to maintain some sort of current agreement among the individual representative, the unit represented, and the national assembly.

Was this true representation? Did the political organization as then known include representation at all? Parliaments held brief sessions; they had not full legislative power, and were consulted only on a small number of concrete questions. To them the delegates came as *porte-paroles* of their electors, with no powers beyond, and there was a strict obligation on them to conform to the will of their constituents. Let me refer

to what was written in 1816 by Roger-Collard on the subject of an electoral law: "Le mot représentation est une métaphore. Pourque le mot soit juste, il est nécessaire que le représentant ait une véritable ressemblance avec le représenté; et, pour cela, il faut, dans le cas présent, que ce que fait le représentant soit précisément ce que ferait le représenté. Il suit de là que la représentation politique suppose le Mandat Impératif déterminé à un objet lui-même déterminé, tel que la paix ou la guerre, une loi proposée."

Only by these means could the deputies in Spain, and, indeed, in France of the same period, resist the will of the monarch; that is, by shielding themselves behind the unavoidable obligation of adjusting their vote to the instructions which they had received. In time, complexity of national business, as well as the more simple autocracy of the monarch, would be bound to modify such a system. Questions are raised inevitably. What is representation in any case? And what are the irreducible conditions necessary for its appearance in the Middle Ages? In other words, when did the third estate appear as such in national legislatures?

AMERICAN GOVERNMENT AND POLITICS

Second Session of the Seventy-first Congress, December 2, 1929, to July 3, 1930; Special Session of the Senate, July 7-21.¹ *Membership.* Even in seasons when politics are pointing toward congressional elections of unusual interest, the filling of vacancies in the House attracts little attention. Political perspectives are almost unavoidably narrowed by the reaction of presidential government; localism confuses general tendencies; and the prevalence of one-party areas further reveals trends which can be read only by a close scrutiny of relative returns. It is not that the opportunity for by-elections is lacking. In the course of the session under consideration, twenty-three seats in the House were vacated, five by resignation and eighteen by death. The resulting replacements brought the Democrats a net gain of one; for, though losing their sole foothold in Pennsylvania, they won in the third district in Kentucky and the second district in Massachusetts. In the latter, never previously represented by a Democrat, the victory of W. J. Granfield in the special election on February 11, 1930, was widely noted and deemed significant by many, although it was not clear whether it indicated a desire for drink or a dread of depression.²

The Senate came to grips at last with the long-delayed problem of the Pennsylvania senatorship. In accordance with an understanding reached in the special session, Senator Norris's resolution (S. Res. 111) to deny William S. Vare a seat in the Senate came up on December 3. Debate closed on December 6, when the resolution was adopted by a vote of 58 (25 Republicans, 32 Democrats, 1 Farmer Labor) to 22 (all Republicans). Immediately thereafter, the Senate

¹ For a note on the first session of the 71st Congress, see this *Review*, vol. 24, p. 38. For notes on the 70th Congress, see vol. 22, p. 650, and vol. 23, p. 364; and on the 69th Congress, vol. 20, p. 604, and vol. 21, p. 297. For earlier notes, prepared by Lindsay Rogers, see vol. 13, p. 251; 14, pp. 74, 659; 15, p. 366; 16, p. 41; 18, p. 79; 19, p. 761.

² A republican vote was gained in the contest in the 14th district of Texas between A. McCloskey, Democrat, and H. M. Wurzbach, Republican, in which the latter (the former incumbent) was declared to have been elected; the committee's report was unanimously accepted. The other contests did not result in party shifts. At the end of July, not counting nine unfilled places, members listed as Republicans numbered 261, Democrats, 164, Farmer Labor, 1. At the same time, the Senate contained 56 Republicans, 39 Democrats, and 1 Farmer Labor member.

passed a resolution (S. Res. 177) by Senator Reed of Pennsylvania, declaring that William B. Wilson, Vare's Democratic opponent in the election of 1926, had not been elected.³ The division here was 66 (43 Republicans, 22 Democrats, 1 Farmer Labor) to 15 (5 Republicans, 10 Democrats). On December 10, the sub-committee of the committee on the judiciary which had been authorized to investigate lobbying filed a statement regarding "one Joseph R. Grundy, who, by reason of the extraordinary and commanding place he holds among the lobbyists in the national capital, is the subject of this interim report."⁴ On the following day, Joseph R. Grundy, president of the Pennsylvania Manufacturers' Association and vice-president of the American Tariff League, was appointed to the vacant seat by Governor Fisher. Without a roll-call, the Senate brushed aside Senator Nye's challenging resolution⁵ and permitted Mr. Grundy to take the oath. The irony of this outcome was sharpened during the months when the tariff was the outstanding topic before Congress, but, if not blunted, its edge was turned in another direction by Mr. Grundy's subsequent discomfiture in the senatorial primary in Pennsylvania.

Organization. In the House the central organs of control had been instituted in the special session and were continued without change.⁶ Of the standing committees, however, only those on agriculture and ways and means and the three committees concerned with the machinery of legislation generally—rules, enrolled bills, and printing—had been elected in April, and before the adjournment on November 22 only the committee on appropriations had been added. On December 12

³ In this the Senate followed the finding in the report of the committee on privileges and elections, tardily tendered by Senator Shortridge on December 5 (S. Rept. 47).

⁴ 71st Congress, 2nd Session, S. Rept. 43, part 3. The report closed with the statement: "It was nowhere revealed in the testimony of Mr. Grundy that either he or anyone on his force was in a situation to offer any enlightenment to members of either House on any matters pertinent to the discussion of the tariff bill not available to them on application to the Tariff Commission and other branches of the government. The inference is irresistible that it was believed by him and by those associated with him that by reason of the very substantial aid he had rendered as revenue raiser for political campaigns he would be able to influence the action of his party associates in the Congress."

⁵ S. Res. 185, which was referred to the committee on privileges and elections, and on which that committee reported unfavorably on January 31 (S. Rept. 147), ending the matter.

⁶ See table in this *Review*, vol. 24, p. 40 (February, 1930).

the remaining committees were formally constituted by the adoption of resolutions (H. Res. 92, 93) offered separately by the majority and minority leaders.

The leaders of the Senate, meanwhile, had undertaken to revise the existing scheme of committee assignments. It was not until January 10, however, that Senator McNary, as chairman of the Republican committee on committees, was ready to bring the new slate before the party conference. It was approved at another meeting on the following day, and a few hours later by the Senate itself, although not without echoes of the dispute that had embarrassed the committee on committees. The Progressive faction won, in that Senator La Follette triumphed over Senator Goff (technically his senior) in securing an assignment to one of the two vacancies in the finance committee; but it was remarked that the other place went to a newcomer, Thomas of Idaho, who, although a westerner, had voted against debentures. There was grumbling, too, because McMaster of South Dakota was not put on the commerce committee. Senator Howell decried the fact that nine of the eleven Republican members of the commerce committee came from places east of a line drawn through Omaha. The plea for McMaster, pressed by Howell in the conference on January 10, invited a counter-attack that jeopardized the tenuous compromise centering on the vacancies on the finance committee, and in the face of this the fight was not forced.⁷

The changes in the party instrumentalities in the Senate were nominal rather than real. At the conference on January 10, Senator McNary of Oregon was chosen assistant floor leader in place of Senator Jones. Senator McNary had in fact been serving in that capacity. During the remainder of the session, so far as day-to-day matters of management were concerned, he was more in evidence than the titular majority leader. It was not until April 8 that Senator Watson announced the appointment of the steering committee (the "committee on order of business of the Republican conference"), consisting of Goff of West Virginia, chairman, Hastings of Delaware, Kean of New Jersey, Vandenberg of Michigan, and Frazier of North Dakota.

From the viewpoint of the public interest, the resignation of the able legislative counsel of the Senate, Frederick S. Lee, who has

⁷ A troublesome four-to-four deadlock in the committee on committees was broken on January 8 when Senator Smoot voted for La Follette.

entered the private practice of law, is greatly to be regretted. It is reassuring that the Vice-President solicited the advice of the retiring counsel and on his recommendation, concurred in by his two predecessors and by the legislative counsel of the House, appointed Mr. Lee's senior assistant, Charles F. Boots, as the best qualified person from a technical standpoint.

Procedure. A measure of the extent of the House's confirmed sense of dependence on special rules for the consideration of measures was afforded by the fact that as early as the end of January the committee on rules made public a list of sixty requests for aid through special orders which had been made to it. The number of such rules reported by committee and adopted by the House—nineteen, involving the consideration of twenty-seven items of legislation—was in line with comparable totals in recent long sessions: 19 in the first session of the 68th Congress, 16 in the first session of the 69th, and 17 in the first session of the 70th.

The standing rules of the Senate were amended by abolishing the necessity for the consideration of bills in committee of the whole. Speaking on May 15 against the adoption of the new rule, Senator Dill attributed the movement for it to feeling produced "because the coalition which worked on the tariff bill wrote a lot of amendments into the bill while it was in committee of the whole, and when the bill got into the Senate those amendments were reconsidered and a lot of them were stricken out." The vital question in the abandonment of the double consideration involved in the former practice was whether the ability to move for reconsideration was an adequate substitute. Some of the opposition to the change was allayed by Senator Norris's amendment, whereby a motion for reconsideration (which must be made within two days) can be made not only by a member "voting with the prevailing side" but also by one who was absent at the time of the original vote. Thus altered, the proposal (S. Res. 227 amending Rules XIV and XV) was adopted on May 16 by a vote of 48 (29 Republicans, 18 Democrats, 1 Farmer Labor) to 13 (7 Republicans, 6 Democrats).

In long sessions, filibustering is not likely to be effective, even when summer is at hand and elections near.⁸ Nevertheless, one cloture

⁸ What was said to have been the first filibuster in the House in eight years—a statement the writer has not attempted to verify—led on May 14 to an order for the arrest of members in the effort to obtain a quorum. The bill under con-

motion, bearing 17 names, was filed in the course of the legislative session. In submitting it on June 24, while the second deficiency appropriation bill (H. R. 12902) was under consideration, Senator Jones, chairman of the committee on appropriations, explained the situation that elicited it: "The senators from Arizona (Mr. Ashurst and Mr. Hayden) feel that they are compelled to make all the opposition they possibly can to the provision in the bill relating to Boulder Dam. I have advised them as to the action I feel we should take because of the nearness of the end of the session, and so, under the rule, I submit the motion which I send to the desk." Clôture did not come to a vote, however, for on the following day an understanding was reached whereby the senators from Arizona were satisfied with two hours apiece in which to discuss the amendments which they unsuccessfully advocated.⁹ During the special session of the Senate, a clôture motion was circulated but not submitted. On July 17, following a conference with an impatient president, the majority leader attempted to reach an agreement with Senator Johnson for the termination of debate on the naval treaty. When the latter refused, Senator Watson began to pass the petition about, remarking that in the event of persistent "talking for the express purpose of dissipating a quorum, . . . we shall then have to resort to the only method we have left to us of closing debate." The threat was not carried out. Some observers attributed the reluctance of the leaders, in part at least, to fear of an unfavorable reaction on public opinion.

Relations of the Houses. With disparate political combinations in control of the Senate and the House, it is natural that the punctilio of bicameral etiquette should be frequently strained and sometimes

sideration (H. R. 2152, for the establishment of a foreign agricultural service) was understood to be disapproved by the administration, and it was apparently the leaders who sought to impede the measure. On May 16, however, the bill was passed without a roll-call by a vote of 195 to 75; and, approved by the President on June 5, it became Public Law No. 304.

⁹ The controversial item was an appropriation of \$10,660,000 for immediate work at Boulder Dam. Arizona's spokesmen attacked, among other things, the fairness and legality of the contracts in connection with the completed project arranged by the Secretary of the Interior. On June 21, a point of order against the appropriation made by the representative from Arizona was not sustained and an amendment offered by him was rejected, 29 to 101. On June 26, several amendments offered by the Arizona senators were lost without a record vote.

snapped. An instance of friction arose from the hardly excusable manner in which Speaker Longworth dealt with the joint resolution (S. J. Res. 3, popularly called the "lame duck amendment") which for the fifth time passed the Senate on June 7, 1929, by a vote of 64 (36 Republicans, 28 Democrats) to 9 (7 Republicans, 2 Democrats). The proposal aims not merely at the curtailment of service after defeat but also at the elimination of the strangulating short sessions and of the long periods in odd-numbered years in which the President enjoys a vast discretion in convening or in not convening special sessions of Congress. For ten months the resolution remained on the Speaker's desk. When, on April 17, he at last referred it to the committee on the election of president, vice-president, and representatives in Congress, his explanation was that he had held it on the assumption that a rule would be adopted providing for the reference of all proposed amendments to the judiciary committee.¹⁰ Meanwhile, on April 9, Senator Norris introduced a resolution (S. Res. 245) which called attention to the discourtesy to the Senate and provided that a select committee should "look into the matter" lest it establish a "precedent which, if carried to its logical conclusion, will bring misunderstanding between the coördinate branches of the Congress. . . ." Consideration of this resolution of virtual censure went over until April 21. When the vigilant Fess made a point of order against Norris's use of the phrase "arbitrary action," the Vice-President ruled that since the Senate, unlike the House, has not adopted Jefferson's Manual as part of its rules, "it is left to the discretion of senators as to what they may or may not say about the proceedings of the House in connection with the resolution under consideration." Tart comment followed, but the resolution itself was dropped without coming to a vote.

For its part, the House paraded its sense of the proprieties. It is true that in a call at the White House on February 17 and in a statement made in this connection, the majority leader complained of the situation in the other chamber. "I am not criticizing the Senate," he said, "but remarking on a deplorable condition." The Speaker was even more scrupulous. On April 28, Mr. Luce sought on grounds of privilege to secure consideration of a resolution providing that a "respectful message be sent to the Senate," calling attention

¹⁰ On April 8, the House committee on the election of president, vice-president, and representatives in Congress reported a somewhat similar proposal (H. J. Res. 292, H. Rept. 1105).

to the violation of proper parliamentary practice involved in the remark of a senator a few days before in speaking of the action of the House on veterans' legislation, that "the House broke away from its masters and expressed itself in resentment against repressive measures and policies." The Speaker held that the resolution was not privileged. On related grounds, but more firmly, he ruled on May 6 that Mr. LaGuardia was out of order in saying, with reference to the fact that the sub-committee of the Senate committee on naval affairs has tendered no report on the Shearer case: "I would like to know what pressure is being brought on Senator Shortridge that he is improperly withholding this information."

Wrangling regarding conference is not new, but the recent session evoked more than is usual. Notable obstinacy marked the conference stage of the District of Columbia appropriation bill, leading to a protracted deadlock that threatened to leave the District stranded. The dispute concerned the size of the subvention from the national treasury. The House favored \$9,000,000; the Senate, \$12,000,000. Senator Capper said: "I have never had any experience such as I have had in this controversy, where the committee representing the body at the other end of the Capitol has shown such a spirit of utter disregard of the fundamental idea back of conferences, where a committee has been so unyielding, so uncompromising, so stubborn in its attitude." By a vote of 54 to 5, the Senate resolved (S. Res. 299) "that it is the sense of the Senate that \$9,000,000 is not a sufficient contribution to be made by the federal government to the expense of the District of Columbia." At the last minute the conference committee agreed on \$9,500,000 and the Senate swallowed its virtual defeat, while the House authorized a select committee to investigate the question of fiscal relations with the District (H. Res. 285).¹¹

¹¹ The relations between the houses are involved in a concurrent resolution (H. Conc. Res. 41) which passed the House on July 3, but has not been acted upon by the Senate. It proposes to create a joint committee to study procedure in cases of impeachment. In this connection it is noted that on January 29 the committee which, pursuant to resolutions adopted in the 70th Congress (H. Res. 431, 434), had been investigating charges against Grover M. Moscovitz, a judge in the eastern district of New York, reported that it did not find sufficient facts on which to base an impeachment, although it did "not approve each and every act of Judge Moscovitz concerning which evidence was introduced." It recommended that no further action be taken (H. Rept. 1106). The stand of the committee was confirmed by a resolution adopted in the House on April 8 (H. Res. 204).

The clash over the size of the lump sum contribution to the expenses of the District of Columbia was not typical. Recriminations regarding the handling of bills in conference were many, especially in the Senate, but the reverberations seldom arose from the meeting of irresistible forces and immovable or nearly immovable bodies. The usual type of disagreement, notably illustrated in the outcome of tariff and veterans' legislation, was summarized with characteristic force by Senator La Follette on July 3, when he said: "I am tired of having important contests which have been won here by a majority of the peoples' representatives in the Senate dissipated, frustrated, and defeated by a majority of conferees who led the fight against the particular amendments. . . The Senate has it within its power, and it is the right of the Senate, to select the conferees who are to represent it in conferences with the House of Representatives. It is merely a precedent and custom that the conferees shall be appointed by the chair, and that they shall be the three ranking senators upon the committee having in charge the legislation." Apart from half-heartedness on the part of the Senate's own spokesmen, the House organization has held, and has not been reticent in hiding, the immense advantage of its alliance with the executive.

Tariff-making. The fluctuating lines of the tariff battle illustrated the power of such an alliance, even when the executive seemed content with an indirect, essentially negative influence. The tariff bill¹² engrossed most of the time and much of the attention of the Senate from the opening of the session until March 24, when the measure was ready for conference. During this period, the rate schedules were virtually gone over three times: first, while the committee of the whole was dealing with questions raised by amendments from the finance committee; second, from February 5 until March 3, when individual amendments were being considered in committee of the whole; and finally in the Senate proper, where over a hundred reservations brought many matters previously decided again to a vote. During twelve weeks of conference, the bill crossed the threshold of each house on three separate occasions. Amid so much counter-marching in a matter preëminently characterized by the particularity inherent in commodity consciousness, it is well-nigh impossible to measure the

¹² H. R. 2667, passed by the House on May 28, 1929, by a vote of 264 (244 Republicans, 20 Democrats) to 147 (12 Republicans, 134 Democrats, 1 Farmer Labor).

extent of the retreat of the so-called Coalition, to appraise their net achievement, and to explain the cause of their recession as the tariff moved from committee of the whole into its final stages in the Senate.

While the bill was in committee of the whole, the run of the voting showed the Coalition's power. Defeats were numerous, of course. On January 6, a committee amendment increasing the duty on certain kinds of wool yarn from 40 to 45 per cent was adopted by a vote of 35 (31 Republicans, 4 Democrats) to 29 (8 Republicans, 21 Democrats), while Mr. Grundy, senator, yielding to Mr. Grundy, manufacturer of wool yarn, scrupulously refrained from voting. Another instance of defeat marked Senator La Follette's vigorous attack on the use of American valuations in the duties on coal tar dyes, which was repelled on February 4 by a vote of 57 (37 Republicans, 20 Democrats) to 23 (11 Republicans, 12 Democrats). On the whole, however, the victories of the tariff's critics during this period were outstanding. On January 7, a committee amendment increasing the rate on woven silk fabrics from 55 to 60 per cent was rejected by 32 (31 Republicans, 1 Democrat) to 40 (14 Republicans, 26 Democrats). When the roll-call on the highly controversial question of sugar was reached on January 16, after six days of debate, Senator Harrison's amendment to restore the 1922 rate of \$1.75 per hundredweight (instead of \$2.40, as in the House bill, or \$2.20, as the finance committee recommended) won by 48 (18 Republicans, 29 Democrats, 1 Farmer Labor) to 38 (34 Republicans, 4 Democrats). On January 24, shoes, along with hides and leather, were restored to the free list by a vote of 46 (20 Republicans, 25 Democrats, 1 Farmer Labor) to 28 (24 Republicans, 4 Democrats). Cement, also, was restored on January 31, by a vote of 40 (15 Republicans, 24 Democrats, 1 Farmer Labor) to 35 (29 Republicans, 6 Democrats). On February 17 an amendment that reduced the duty on crude and scrap aluminum from five cents to two cents a pound was adopted by 41 (15 Republicans, 26 Democrats) to 39 (34 Republicans, 5 Democrats).

In a situation in which the margins of control were prevailingly narrow, not many defections were required to reverse the drift of voting. The inherent instability of what was called the Coalition was revealed in some important roll-calls even while the bill was still in committee of the whole. So far as the Coalition was a concert of the spokesmen of the claims of raw materials to a better relative position in the scale of protection, such cohesion as it possessed was

sure to be profoundly affected by the failure of any of its members to join in any insistent demand in behalf of an extractive industry. Such a denial was the defeat on February 28 of the requested duty on oil—one dollar a barrel for crude oil and 50 per cent on oil derivatives—for which the Oklahoma senators were especially clamorous; they were repulsed by a vote of 27 (20 Republicans, 7 Democrats) to 39 (17 Republicans, 22 Democrats). Lumber fared as badly; on February 27, the proposal to remove it from the free list failed by a vote of 34 (25 Republicans, 9 Democrats) to 39 (19 Republicans, 20 Democrats). The observer is at a loss to know how literally to take the charges of trading that were heard increasingly from this time on.¹³ Certain it is that the recoil of such votes as these made many receptive candidates for new alliances.

Circumstantial evidence is available in several notable reversals which took place after March 4, when the measure was reported from the committee of the whole. Sugar, cement, and lumber were involved. On March 5, Senator Smoot's amendment, calling for a duty of \$2.00 a hundredweight on Cuban raw sugar and \$2.50 on sugar from other countries,¹⁴ secured 47 votes (38 Republicans, 9 Democrats) to 39 (13 Republicans, 26 Democrats).¹⁵ On March 7, a duty on cement was approved, 45 (36 Republicans, 29 Democrats) to 37 (13 Republi-

¹³ In a prepared statement issued on March 11, at a time when the disintegration had gone far, Senator Nye of North Dakota reviewed the story: "For months real progress was made . . . then came the development of sugar, cement, lumber, oil craving and appetites, engineered by astute and experienced high tariff lords like Grundy, who is now teaching so-called party leaders how to lead. . . ." Speaking on March 24, Senator La Follette described the bill which was about to pass as "the product of a series of deals, conceived in secret, but executed in public with a brazen effrontery that is without parallel in the annals of the Senate." At the close of a warm discussion of the oil lobby on March 20, Senator Waterman (Colo.) said: "I have stated upon the floor of the Senate, and I have stated in the presence of senators elsewhere, that, by the eternal, I will not vote for a tariff upon the products of another state if the senators from that state vote against protecting the industries of my state, and I stand upon that platform."

¹⁴ For comment on the relation of the tariff controversy to the revival of support for Philippine independence, see below, p. 941.

¹⁵ Senators who changed their position on sugar rates, voting for retention of existing rates on January 16 and for the Smoot amendment on March 5, were Jones (Wash.), Metcalf (R.I.), Pine (Okla.), and Schall (Minn.), Republicans; Ashurst (Ariz.), Dill (Wash.), Hayden (Ariz.), Thomas (Okla.), and Trammell (Fla.), Democrats.

ans, 24 Democrats).¹⁶ The third outstanding reversal occurred on March 20, when, by 39 (27 Republicans, 12 Democrats) to 38 (21 Republicans, 17 Democrats), the Senate agreed to tax soft woods at \$1.50 per thousand board feet. Oil, however, again failed to secure protection, although only by a hair; the amendment proposing a duty of 40 cents a barrel lost by a vote of 37 (28 Republicans, 9 Democrats) to 38 (17 Republicans, 21 Democrats).

The extent of the ground lost between March 4 and March 24 can be roughly judged from figures presented on that day by Senator La Follette. The bill, in the form in which it passed the House, contained 845 increases and 82 decreases in the rates of the 1922 tariff act; at the time it left the committee of the whole of the Senate, it carried 620 increases and 202 decreases. During its final stage in the Senate, however, 75 increases were voted, involving imports amounting to \$355,000,000, whereas there were 31 decreases, involving commodities with imports worth \$34,000,000.¹⁷

On March 24, the tariff measure passed the Senate by a vote of 53 (46 Republicans, 7 Democrats) to 31 (5 Republicans, 26 Democrats).¹⁸ Embodied in it were 1,253 amendments to the House Bill.

¹⁶ Senators who voted against the duty on cement on January 31 and for it on March 7 were Couzens (Mich.), Nye (N.D.), and Pine (Okla.), Republicans; Tydings (Md.) and Wagner (N.Y.), Democrats. Pittman (Nev.), a Democrat, was paired against the duty in the earlier vote and for it in the later one. It should be noted that Nye later moved for reconsideration of the votes on sugar and cement in order to purge himself of what he called the "sugar-cement-lumber-oil combination." When the Senate acted on his motion on March 13, the new lines held, in the face of the counter-attack, by a vote of 38 (13 Republicans, 25 Democrats) to 47 (38 Republicans, 9 Democrats) in the case of sugar, and of 38 (14 Republicans, 24 Democrats) to 47 (37 Republicans, 10 Democrats) in the case of cement.

¹⁷ A summary was presented at the same time by Senator Smoot, expressed in terms of ad valorem rates (based on the dutiable schedules, and weighted with reference to imports in 1928), which showed the following comparative rates: under the 1922 act, 34.61 per cent; under the bill as it left the House, 43.15 per cent; under the finance committee bill, 40.54 per cent; and under the bill as it passed the Senate, 38.99 per cent. Senator Harrison gave 35.10 per cent as the corresponding figure for the measure at the time it was reported by the committee of the whole on March 4.

¹⁸ The Democrats who voted for it were Broussard and Ransdell (La.), Trammell (Fla.), Copeland (N.Y.), Bratton (N.M.), Kendrick (Wyo.), and Pittman (Nev.). The five Republicans who voted against it were Blaine and La Follette (Wis.), McMaster and Norbeck (S.D.), and Norris (Neb.). Shipstead, Farmer

The adjustment of so many points of difference was time-taking, and, in view of the uncertain control of the Senate, it was not without risks. On April 2, the House adopted a rule by which the bill as a whole, like an unopened package, was hurried to the conference room.¹⁹ It was deemed good strategy to stretch precedents a little by presenting the conference report first in the House.²⁰ A report that covered most of the provisions of the bill was submitted on April 29 and was adopted on May 1, by a vote of 240 (232 Republicans, 18 Democrats) to 151 (16 Republicans, 134 Democrats, 1 Farmer Labor). On that day and the next, action on the rate schedules was completed by separate votes on cement, sugar, lumber and shingles, and silver. During this brief stage the House was out of hand. The duty on cement, proposed by the Senate—six instead of eight cents—was accepted without a roll-call.²¹ On sugar, also, the Senate's amendment, which put the duty at \$2.00 instead of \$2.40, prevailed by a vote of 229 (91 Republicans, 138 Democrats, 1 Farmer Labor) to 160 (148 Republicans, 14 Democrats). On lumber and shingles, however, the duty imposed by the Senate was rejected, and, by a vote of 250 to 144, these materials were restored to the free list. On silver, too, the duty allowed by the Senate was overwhelmingly defeated.

The differences regarding the flexible tariff and farm debentures were still unresolved. The House brought pressure by two crucial

Labor (Minn.), was paired against it. Fletcher, Democrat (Fla.), was paired for the bill.

¹⁹ The resolution (H. Res. 197) was agreed to by 241 (227 Republicans, 14 Democrats) to 153 (19 Republicans, 133 Democrats, 1 Farmer Labor). This step was preceded by a canvas of the situation by the steering committee, and gentlemanly understandings were reached among the majority members regarding separate votes later on particular items—notably a promise to a sugar group comprising members from thirteen sugar-growing states, presided over by Mr. Crampton of Michigan. Beginning on April 4, Mr. Garner, ranking minority member, began to tell the House of the day-to-day happenings in conference, and the actions of the conferees were probably better known than usual.

²⁰ The tactical plans were arranged, or at least announced, on April 24 at a White House breakfast—one of several instances during the session of that firmly-grounded instrument of government.

²¹ A Senate amendment providing that cement for use on public works might be imported free was defeated by 167 (45 Republicans, 122 Democrats) to 221 (192 Republicans, 29 Democrats).

votes on May 3, whereby the Senate's amendment to repeal the President's flexible tariff powers was disapproved by a vote of 154 (12 Republicans, 141 Democrats, 1 Farmer Labor) to 236 (228 Republicans, 8 Democrats), and the amendment giving to the Federal Farm Board optional authority to issue export debentures was rejected by 161 (48 Republicans, 112 Democrats, 1 Farmer Labor) to 231 (194 Republicans, 37 Democrats). The Senate capitulated slowly. On May 7, the bill was returned to conference, without action on the partial report, and with eight matters still in dispute. On May 19, however, the Senate agreed to Smoot's resolution directing that the conferees "be relieved from the promise that no agreement in conference on the export debenture or flexible tariff would be made until opportunity was afforded in the Senate for a separate vote on such items." The administration victory was perilously close: on debentures, 43 (37 Republicans, 6 Democrats) to 41 (12 Republicans, 28 Democrats, 1 Farmer Labor); on the flexible provision, 42 to 42 with the Vice-President intervening to break the tie.

The conferees finished their task on May 24. In the Senate, however, points of order were sustained on June 5 against certain items, on grounds such as the objection that the "compromise" rates were higher than both figures in dispute. Again the bill was returned to conference. In the House, a special rule, adopted by a vote of 220 to 139, cleared the way of points of order, separate votes, and other obstructions. On June 13, both bodies accepted the conference report. The vote in the House was 222 (208 Republicans, 14 Democrats) to 153 (20 Republicans, 132 Democrats, 1 Farmer Labor).²² The Senate stood 44 (39 Republicans, 5 Democrats) to 42 (11 Republicans, 30 Democrats, 1 Farmer Labor).²³ Approved by the President on June

²² In the final roll-call in the House, the Democratic members who voted for the measure were distributed as follows: La., 7; Fla., 2; Tex., 1; Colo., 1; Calif., 1; Wash., 1; Mass., 1. The Republicans in the negative comprised: Wis., 7; Minn., 4; S.D., 2; Iowa, 1; Mo., 1; Okla., 1; Calif., 1; N.Y., 2 (Mr. LaGuardia and Mrs. Pratt); Ky., 1.

²³ Democrats who voted for the conference report were Broussard and Ransdell (La.), Fletcher and Trammell (Fla.), and Kendrick (Wyo.). Republicans who opposed it were: La Follette and Blaine (Wis.), McMaster and Norbeck (S.D.), Norris and Howell (Neb.), Frazier (N.D.) (with Nye paired against it), Schall (Minn.), Brookhart (Iowa), Pine (Okla.), and Borah (Idaho). On the eve of the final vote, speaking in the Senate on June 12, Senators Reed and Grundy of Pennsylvania, confessing their disappointment with so imperfect a tariff, announced that they had nevertheless decided to prop up its tottering fabric. Pose

17, the Tariff Act of 1930 (Public No. 361) became effective the following day.

The Gage of Unemployment. It is perhaps unfair to ask more of any Congress that furnishes the adrenalin of a new tariff. Nevertheless, the observer cannot help applying to our legislative processes and those in charge of them the test of the needs immediately presented by a serious economic disturbance.

The conceptions of public policy dominant in the past decade make tax reduction almost a reflex in any crisis. To most members of Congress, the promise virtually made by the Treasury in late October that there would be a cut in income taxes for 1929 seemed as natural an expedient as emptying sandbags from a sinking balloon. On December 5, after barely three hours' discussion, and by division of 282 to 17 without a roll-call, the House approved a joint resolution (H. J. Res. 133) whereby it was estimated that a temporary tax reduction of \$160,000,000 would be effected through a flat one per cent drop in normal individual income tax and corporation tax rates. The opposing philosophy of debt reduction and constructive governmental expenditures found more support in the Senate. Twice as much time was given to debate and four amendments were forced to a record vote. In the end, on December 14, the joint resolution was passed by the decisive majority of 63 (39 Republicans, 24 Democrats) to 14 (11 Republicans, 3 Democrats) and was approved two days later (Public Res. 23).

The President's references in his message of December 3 to his activities in behalf of sustained construction were more in the way of a summary of semi-official administrative relations already made than an exhortation to Congress.²⁴ He added, however, "we have can-

or not, their reluctance went well with the Administration's attempt to emphasize the extent to which agricultural rates had been increased. President Hoover, in a statement released on June 15, pointed out that according to Tariff Commission estimates, "the average rate upon agricultural raw materials shows an increase from 38.10 per cent to 48.92 per cent, in contrast to dutiable articles of strictly other than agricultural origin, which show an average increase of from 31.02 per cent to 34.31 per cent."

²⁴ "I have," the President wrote, "instituted systematic, voluntary measures of coöperation with the business institutions and with state and municipal authorities to make certain that fundamental businesses of the country shall continue as usual, that wages and therefore consuming power shall not be reduced, and

vassed the federal government and instituted measures of prudent expansion in such work that should be helpful and upon which the different departments will make some early recommendations to Congress.' In a session notably friendly to services of developmental character,²⁵ the outstanding aid to primary construction was the liberalizing of federal aid for roads.²⁶ For the first time in several years, an omnibus rivers and harbors bill was enacted.²⁷ The program for the construction of public buildings was also extended, without changing its pattern, by an act that authorized appropriations totaling \$230,000,000, about evenly divided between building within and without the District of Columbia.²⁸

that a special effort shall be made to expand construction work in order to assist in equalizing other deficits in employment.''

²⁵ See below, p. 939.

²⁶ An amendment to the federal aid road act authorized an additional \$50,000,000 for the fiscal year 1931, raised the regular allotments for the two following years from \$75,000,000 to \$125,000,000, and increased the maximum contribution on the part of the national government from \$15,000 to \$25,000 per mile (H. R. 5616, approved April 4, Public No. 90). Meanwhile, a joint resolution had made available an additional \$31,400,000 for use in the current year (H. J. Res. 241, approved February 7, Public Res. No. 7).

²⁷ H. R. 11781, approved July 3, Public No. 520. In the form in which it passed the House on April 25, it carried authorizations aggregating \$116,285,027; the Senate added items totaling \$28,596,875. It was said that the ultimate cost of the projects that it sanctions will be near \$350,000,000. In the course of its consideration, the most controversial feature was the item permitting the state-owned canals in New York to be taken over without cost to the United States, which (if New York agrees) will maintain them at an estimated annual cost of \$2,500,000. The advocates of the St. Lawrence proposal found a threat in this clause. A seven-state group headed by Burtness (N.D.) and Brigham (Vt.) was gathered, but their effort to dislodge the item failed, 59 to 148. In the Senate, by way of reassurance, the provision was altered by adding the qualification that, if taken over, the canals are to be operated "as barge canals only, and not as, or with any intention to make them ship canals, or to hinder or delay the improvement of the St. Lawrence Waterway as the sea way from the Great Lakes to the ocean." The bill passed in the Senate without a record vote, but not until Senator Blaine's amendment limiting the discretion of the Secretary of War in approving Great Lakes diversion had been accepted on June 19 by a vote of 45 (25 Republicans, 19 Democrats, 1 Farmer Labor) to 21 (12 Republicans, 9 Democrats).

²⁸ H. R. 6120, approved March 31, Public No. 85. This act, taken in conjunction with other legislation in recent years, contemplates the appropriation of \$500,000,000 for public buildings in the next ten years, at the rate of about

The atmosphere created by the Administration was on the whole favorable to such appropriations, but twice at least sharp cries "deficit, deficit," were heard at the other end of the Avenue. It must be admitted that their reiteration in former years has dulled their authority. Under the immediate circumstances, some were puzzled regarding the consistency of the leadership they were attempting to follow. As a matter of fact, the total of the regular annual, deficiency, and miscellaneous appropriation acts amounted to \$25,115,353 less than its budget estimates. An accompanying table²⁹ shows in more detail how the reduction was accomplished. The net increase of \$209,018,194 over the appropriations of the last regular session was due more to veterans' legislation than to programs of public construction.

So far as new legislation aimed directly at unemployment was concerned, the results showed a lack both of responsiveness in Congress as an organization and of effective interest on the part of the Administration. Three measures—phases of a familiar program—were sponsored in the Senate by Senator Wagner. Of these, only the brief provision for the collection of more adequate employment data became law.³⁰ The other bills were more controversial. One (S. 3059) sought to secure buffer employment through advance planning and regulated construction of public works by instituting an ex-officio board, by various amendments in the direction of greater flexibility in legislation affecting roads and other construction, and by authorizing an appropriation of \$150,000,000 in any year. The other (S. 3060) was intended to extend a coördinated system of employment exchanges by means of federal aid. The bill for the planning of public works passed the Senate on April 28. In the case of the employment service measure, the opposition of the National Manufacturers' Association led

\$50,000,000 annually. The attention to the beautification of the District of Columbia has been a notable theme in recent legislation. The care with which its future is being guarded was illustrated in a resolution, authorizing the erection (without expense to the United States) of a memorial to William Jennings Bryan, which states that it must not be "on any ground within one half mile of the Capitol."

²⁹ P. 929. The table is rearranged material from S. Doc. 212, comprising the annual statements prepared by Mr. Sheild and Mr. Rea, clerks of the two committees on appropriations.

³⁰ S. 3061, passed by the Senate on April 28 and by the House on July 1, approved July 7, Public No. 537, enlarging the list of industries for which the Bureau of Labor Statistics must collect monthly unemployment statistics.

to the holding of additional hearings, but the bill was approved on May 12 by a vote of 34 (12 Republicans, 21 Democrats, 1 Farmer Labor) to 27 (23 Republicans, 4 Democrats). It was an ill portent

RECAPITULATION OF APPROPRIATION ACTS, SECOND SESSION OF SEVENTY-FIRST CONGRESS

Title of Act	Budget estimates, Seventy-first Congress, second session	Totals of bills as reported by House Committee on Appropriations	Appropriations, Seventy-first Congress, second session	Increase (+) or decrease (—) appropriations compared with budget estimates	Increase (+) or decrease (—), appro. Seventy-first Congress second session, compared with Seventieth Congress, second session
<i>Regular Annual Acts</i>					
Agriculture.....	\$160,372,474	\$153,255,460	\$155,397,770	—\$4,974,704	+ \$10,886,216
District of Columbia.....	45,567,028	45,334,317	45,776,032	+209,004	+7,303,417
Independent offices.....	553,685,388	552,372,213	553,523,166	—162,222	+12,077,426
Interior.....	286,543,647	283,189,073	286,543,423	—224	+957,960
Legislative.....	30,676,327	26,000,341	26,557,767	—4,118,560	+7,897,122
Navy.....	382,422,676	377,036,086	380,573,111	—1,849,565	+20,336,414
State, Justice, Commerce, and Labor	114,468,723	113,799,286	114,253,236	—215,487	+2,372,348
State.....	17,224,926	16,779,269	17,020,469	—204,457	+2,419,990
Justice.....	32,080,042	31,710,362	31,771,112	—308,930	+3,833,742
Commerce.....	52,952,985	53,088,985	53,240,485	+287,500	—5,337,124
Labor.....	12,210,770	12,220,670	12,221,170	+10,400	+1,455,740
Treasury and Post Office.....	1,162,402,642	1,147,778,908	1,149,088,008	—13,314,634	+30,707,809
Treasury.....	322,152,065	312,284,831	312,304,931	—9,847,134	+8,630,457
Post Office.....	840,250,577	835,494,077	836,783,077	—3,467,500	+22,167,352
War Department.....	457,308,917	454,231,386	456,544,151	—764,766	+2,754,789
Military.....	339,511,465	337,058,104	339,106,459	—405,006	+8,068,017
Non-military.....	117,797,452	117,173,192	117,437,692	—350,760	—5,313,228
Total, regular annuals.....	3,193,447,825*	3,152,997,971	3,168,256,665	—25,191,158	+95,383,503
<i>Deficiency Acts</i>					
First, 1930.....	168,970,193	48,177,854	169,547,689	+577,406	.....
Second, 1930.....	75,426,550	66,199,384	74,105,104	—1,321,445	.....
Total, deficiency acts.....	244,396,743	114,377,238	243,652,794	—743,948	+31,650,741
<i>Miscellaneous Acts</i>					
Miscellaneous relief and other acts....	42,680,027	.....	43,468,781	+779,754	+41,786,964
Total, regular annual, deficiency and miscellaneous acts.....	3,480,533,594	3,267,375,209	3,455,378,241	—25,155,353	+168,821,209
<i>Permanents and Indefinites</i>					
Total, permanents and indefinites.....	1,378,679,735	.....	1,417,022,855	.....	+38,343,119
Grand total.....	4,665,236,768	.....	4,872,401,096	.....	+207,164,328
Less sums payable from postal revenues.....	842,125,220	.....	840,271,353	.....	—1,853,866
Total, exclusive of Postal Service, payable from postal revenues.....	3,823,111,547	.....	4,032,129,742	.....	+209,018,194

that in the House these bills were referred, not to the committee on labor and education, but to the judiciary committee. The public works proposal was indeed reported and passed on July 1, but was

still in conference when the session closed. It had been so amended in committee—at “the instigation of the President,” said Senator Wagner—that the latter called it an “empty shell.” The employment service bill was reported on June 26, but did not move further. “Inexplicable,” said Senator Wagner, in reviewing Mr. Hoover’s attitude in earlier years and the present silence of the White House. There is ground for replying that optimism was the proper note after the new year. Besides, Mr. Hoover, pursuing a theory of delegated responsibility, has been as reluctant as any president to intervene publicly in behalf of particular legislation.

The employment situation stimulated talk of more rigid restriction of immigration, as well as of schemes that might take account of changing economic needs, but no concrete embodiment of the latter idea in statutory terms made any progress.³¹ Legislative activities centered in the proposal to bring Mexico under the quota system, which advanced further than in any preceding session, passing the Senate on May 13 by a vote of 51 (24 Republicans, 27 Democrats) to 16 (13 Republicans, 2 Democrats, 1 Farmer Labor) and securing a favorable report in the House.³² In the course of its consideration it served as the vehicle on which it was sought unsuccessfully to load various purposes—selection within quotas, the prohibition of all immigration for a term of years, the restriction of Philippine immigra-

³¹ In his regular message, the President said: “I have been opposed to the basis of the quotas now in force and I have hoped that we could find some practical method to secure what I believe should be our real national objective: that is, fitness of the immigrant as to physique, character training, and our need of service.”

³² S. 51, the Harris bill, which originally proposed to bring all Central and South American countries within the quota system, but was amended to apply only to Mexico. It was passed in the face of State Department disapproval, reiterated in a statement on August 5, which said: “The immigration of Mexicans into the United States has been reduced so drastically during the past sixteen months that it is no longer a problem. The result has been accomplished through strict law enforcement measures put into effect by American government officials. . . .” *U. S. Daily*, August 6, 1930. S. 51, amended by inserting administrative features from the Box bill (H. R. 12382), was reported by the House committee on May 23 (H. Rept. 1594). Previously, on March 13, the committee had reported a bill (H. R. 10343, H. Rept. 898) which proposed quotas for all countries of the western hemisphere based upon the number of citizens of the United States departing for permanent residence abroad.

tion, of Canadian immigration, but especially the repeal of the national origins provision.³³

The Challenge of Prohibition. Much was heard of themes which directly or through political osmosis derive their pungency from the prohibition controversy. For the first time since national prohibition was established, hearings of unrestricted range were held under the auspices of the House. Wets and drys were constantly before its committee on the judiciary from the middle of February until the last week in April. Nor was material lacking for the front pages of the metropolitan dailies thereafter, since the sub-committee on lobbying of the Senate judiciary committee was busy with the question from April until June 19, when the Senate was told that it was the sense of the embarrassed and divided sub-committee "that it should not insist on answers to questions propounded to Bishop James Cannon, Jr. . . ."³⁴ The aggressive mood of prohibition's enemies in Congress, as well as their distance from control of the situation, were alike illustrated at a meeting on May 14 when they agreed to circulate a petition to invoke the rule for the discharge of committees in order to secure a vote in the House on 2.75 per cent beer and a national referendum on prohibition.

So far as immediate legislation is concerned, such talk streams against the wind. The concrete measures considered in the recent session were either dry or hardly controversial. A special message from the President on April 28 stressed the need of various items in a program for the strengthening of bureaus, courts, and prisons. The measure for the transfer of the Bureau of Prohibition from the

³³ In committee of the whole on April 21, Senator Norbeck's amendment for the repeal of national origins was adopted by a vote of 39 (28 Republicans, 10 Democrats, 1 Farmer Labor) to 34 (14 Republicans, 20 Democrats). It was coupled with a proposal to cut the quota percentage from 2 to 1½. In the Senate on April 24, however, the repealing clauses were stricken out by 37 (17 Republicans, 20 Democrats) to 36 (26 Republicans, 9 Democrats, 1 Farmer Labor). The bill, after being recommitted, was stripped of all but provisions relating to Mexico.

³⁴ *Lobby Investigation.* Hearings before a sub-committee of the committee on the judiciary, United States Senate, 71st Congress, pursuant to S. Res. 20. The testimony of the executive officers of the Association Opposed to the 18th Amendment appears especially at pp. 3829-4128 (April 16-25); of representatives of the Anti-Saloon League, at pp. 4279-4642 (May 8-22). The recalcitrancy of Bishop Cannon on June 5 and 11, which the sub-committee voted on June 12 to condone on the ground of irrelevance of questions relating to campaign activities in 1928, is dealt with in S. Rept. 43, part 10.

Treasury to the Department of Justice was approved in both houses without a record vote.³⁵ Additions were made to the judicial personnel,³⁶ and a group of enactments of permanent significance in the development of national penal institutions were passed.³⁷ The full program of the President's national commission on law observance and enforcement was not ready, but, after delay due to differences of opinion in the House judiciary committee, several brief measures favored by the commission were moved with the aid of a special rule. One of these (H. R. 9985) passed both houses, but was in conference at the session's close. It dealt with penalties in connection with national prohibition, and proposed to amend the proviso in the Jones Act by substituting a more exact basis for the differentiation of casual or slight or habitual or commercialized violations.³⁸ The other related measures passed the House and were favorably reported in the Senate. The gist of one of these (H. R. 10341, the "Christopherson bill") was in the statement that "petty offenses may be prosecuted upon information or complaint"³⁹ Another (H. R. 12056, the "Moore bill") related to the waiving of jury trial in criminal cases.⁴⁰ Still another item in the commission's plan passed the House but was not reported in the Senate. This bill (H. R. 9937) embodied the more controversial proposal to relieve the federal courts by summary action

³⁵ H. R. 8574, passed in the House on Feb. 8, in the Senate on May 14, approved May 27, Public No. 273. An amendment offered by Senator Tydings (Md.) proposing to require that the formula for industrial alcohol should be made non-poisonous was defeated, 19 (10 Republicans, 9 Democrats) to 54 (34 Republicans, 20 Democrats).

³⁶ Additional circuit judges were provided in the fifth and third circuits (Public Nos. 326, 327), additional district judges in the Minnesota district, southern district of California, and southern district of Florida (Public Nos. 276, 447, 449), and two additional judges each for the supreme court and the court of appeals of the District of Columbia (Public Nos. 390, 391).

³⁷ See below, p. 937.

³⁸ Popularly called the "one gallon bill." On the motion to recommit in the House on June 3, the vote was 67 to 195, but only 29 asked for the yeas and nays. In an amended form, the bill passed the Senate on July 2 without a division.

³⁹ The division at the time of passage on June 3 was 181 to 48, with no record vote.

⁴⁰ The vote on June 3 was 228 (150 Republicans, 77 Democrats, 1 Farmer Labor) to 108 (53 Republicans, 55 Democrats). It may be noted that H. R. 5266, approved May 29, Public No. 287, though it related also to waiving jury trial, dealt with a relatively unimportant procedural change in civil cases.

by United States commissioners. The vote by which it was passed, on June 4, was 218 (161 Republicans, 56 Democrats, 1 Farmer Labor) to 117 (44 Republicans, 73 Democrats).⁴¹

Meanwhile, Congress was engaged in an altercation regarding the future of the commission on law observance and enforcement, in which it was not easy to distinguish dry land and sea. On May 2, in a letter to the Speaker, the President asked that another \$250,000 be appropriated, with the unexpended balance, to continue the inquiry. The item was stricken from the second deficiency bill on a point of order. The Senate inserted a provision for \$50,000 only, and that for an investigation to be confined to prohibition enforcement. On July 2, however, a special rule was adopted in the House to obviate points of order, and the whole amount was restored by a vote of 273 (187 Republicans, 85 Democrats, 1 Farmer Labor) to 41 (11 Republicans, 30 Democrats). The Senate concurred in this by 37 (31 Republicans, 5 Democrats, 1 Farmer Labor) to 22 (5 Republicans, 17 Democrats).

The Gauntlet of the Veto. In its response to vetoes Congress showed a combativeness that recalled the long session of the 70th Congress. Even the usually dependable succor of the House organization did not always guard the President against being overridden. In the course of the session, four measures were returned with what is called a message veto, and of these one was repassed and became law.⁴² In addition, three minor bills succumbed to the pocket veto.⁴³ One deserves comment. It does not disturb the student of politics that a bill extending the time allowed for the building of a bridge should be disapproved, but when he observes that the pocket veto was impossible because the ten-day period happened to expire while Congress was in

⁴¹ The prohibition controversy was indirectly involved in the bill to establish a combined border patrol (H. R. 11204) passed July 1 by a division, without a record vote, 181 to 52.

⁴² H. R. 2029, for coins to commemorate the Gadsden purchase, vetoed April 21, the attempt to repass the bill failing on April 22, 96 to 243; S. 476 regarding Spanish-American war pensions, vetoed May 28, but repassed on June 2, becoming Public No. 299; H. R. 1198, authorizing the United States to be made a party defendant in a suit by Oregon regarding the title to land and water rights in Malheur Lake, vetoed on June 6; and H. R. 10381, amending the Veterans Act of 1924, vetoed on June 26, for which another bill was substituted.

⁴³ S. 1909, extending the time limit for a bridge over the Rio Grande at Weslaco, passed by the Senate on November 14 and by the House on December 11; and S. 3853, presented to the President on July 3, and H. R. 2782, presented on July 1—both private relief bills.

Christmas recess, can he wholly applaud, in its practical outcome, the doctrine recently endorsed by the Supreme Court?⁴⁴

The fact that the successful attempt to override the President's objections involved increases in the pensions of veterans of the Spanish-American war illustrates how long it takes the lengthening shadow of a war to reach its full breadth.⁴⁵ The majorities by which the bill (S. 476) was repassed on June 2 were not close: in the Senate, 61 (28 Republicans, 32 Democrats, 1 Farmer Labor) to 18 (all Republicans); in the House, 298 (184 Republicans, 114 Democrats) to 14 (all Republicans).

The other vetoed veterans' bill involved the larger, very complicated question of relief for the service men of the World War. From the start, even the House was out of hand, and the combination that shaped the bill in committee and passed it in the House on April 24, 324 to 49, was not of the leaders' making. The President expressed himself, perhaps tardily, stating grave objections on grounds both of inequity and cost. The Senate nevertheless passed the bill on June 23, somewhat reduced, by a vote of 66 (33 Republicans, 32 Democrats, 1 Farmer Labor) to 6 (all Republicans). A veto was assumed. To hasten matters, the House concurred in the Senate amendments and sent the bill to the President. Meanwhile, a substitute measure was hastily agreed upon in consultation with the Administration. The next step was to present it to the Republican conference. On the basis of the virtual pledge received from the President and the pledge given to the majority members, the rest was easy, so far as the house was concerned. The attempt to repass the vetoed bill failed by a vote of 182 (45 Republicans, 136 Democrats, 1 Farmer Labor) to 188 (185 Republicans, 3 Democrats). The substitute (H. R. 13174), though strange to a large part of the membership, passed quickly, under suspension of the rules, by 365 to 4.⁴⁶ The Senate, perforce, took it,

⁴⁴ *Okanogan Indians v. U. S.*, 279 U. S. 655, 73 L. ed. 894 (1929), enunciating the principle that "no return can be made to the House when it is not in session as a collective body and its members are dispersed."

⁴⁵ The bill carried graduated increases of 20 to 30 per cent, accompanied by a reduction of the minimum length of service necessary from 90 to 70 days. The additional cost was said to approximate \$12,000,000 annually. The President vetoed it on the ground of the reduction of the service period, the fact that it departed from the principle of excluding awards for disabilities due to "vicious habits," and his belief that personal need as well as disability should be a requirement.

⁴⁶ For the specific purpose of making it possible to pass H. R. 13174 im-

but amended it in the direction of somewhat higher rates.⁴⁷ Conference followed; the Senate conferees receded in large degree; and in the closing hours the conference report was accepted by both houses. There is a kind of humor in the fact that the final bill, although less expensive under the rates agreed upon, sought to be more inclusive and was nearer to a system of pensions (as distinguished from compensation for disabilities traceable to the war) than was the original bill—a fact that is of interest as the average age of the great body of World War veterans approaches forty.

*The Statutory Accretion.*⁴⁸ At the cost of some repetition, and with no purpose beyond furnishing a clue to recent statutory changes, a list of the relatively important new laws is set down baldly. The grouping is convenient, rather than logical; the order is not significant.

(1) In the fiscal field, the temporary measure of tax reduction (H. J. Res. 133, approved Dec. 16, Public Resolution 23) and the ostensibly permanent tariff (H. R. 2667, approved June 17, Public No. 361) have already been mentioned.

(2) In the field of post-war financial adjustments, the outstanding

mediately after receiving the veto message, without amendment, a rule (H. Res. 271) was adopted on June 26, by 228 to 139, providing: "that it shall be in order, beginning on Thursday, June 26, 1930, until the end of the present session of Congress, for the speaker to recognize members for motions to suspend the rules."

⁴⁷ The most important amendment was adopted by a vote of 37 (9 Republicans, including both progressives and regulars, 27 Democrats, 1 Farmer Labor) to 26 (all Republicans). The bill itself passed by a vote of 56 to 11. The conference report was adopted in the Senate by 48 (35 Republicans, 12 Democrats, 1 Farmer Labor) to 14 (6 Republicans, 8 Democrats) and in the House by 194 (191 Republicans, 3 Democrats) to 117 (7 Republicans, 109 Democrats, 1 Farmer Labor).

⁴⁸ In point of quantity of legislation, a level seems to have been reached, at least temporarily. In the special session, 5,824 items—bills and resolutions of various kinds—were introduced; in the second session, 8,223. The total, 14,047, is properly compared with the number of proposals introduced in the first session of the 70th Congress, 14,750. In the special and second sessions, 927 public and private laws and resolutions were passed, compared with 993 in the first session of the preceding Congress. Considering the second session alone, 883 items were passed, of which 518 were public laws, 84 public resolutions, and 281 private laws and resolutions. In point of origin, 570 were House bills, and 55 were House joint resolutions; 228 were Senate bills, 30 were Senate joint resolutions. In the course of the second session, the House committees reported 1,918 items, of which 1,403 were acted upon, leaving 515 pending at the session's close. Congress was actually in session 156 days.

enactment (H. R. 10480, approved June 5, Public No. 307) authorized an agreement which (said the committee) "will be the first agreement between the United States and Germany for the liquidation of Germany's treaty obligations on account of (1) reimbursement to the United States for the expenses of its army of occupation, and (2) payment of the awards entered by the Mixed Claims Commission . . . on behalf of the United States government and its nationals" (H. Rept. 1089).

(3) The prolific question of veterans' relief, touched upon elsewhere,⁴⁹ yielded a balanced brood in which care was taken of a number of wars. The most important act (H. R. 13174, approved July 3, Public No. 522) made numerous amendments in the World War veterans' act of 1924, notably in sec. 200, where provision was made for disability of twenty-five per cent or more "not acquired in the service during the World War." Another act (S. 476, passed over the President's veto, Public No. 299) increased pensions of the veterans of the war with Spain. Still another (H. R. 12013, approved June 9, Public No. 323) further liberalized allowances to survivors of the Civil War and their widows.

(4) Administrative reorganization was not dealt with as a whole, but specific changes of some importance were made. (a) The President was authorized to consolidate in an establishment to be known as the Veterans Administration, headed by an Administrator paid \$12,000 annually, all activities relating to relief, including the former Bureau of Pensions, the National Home for Disabled Volunteer Soldiers, and the former Veterans Bureau (H. R. 10630, approved July 3, Public No. 536). (b) The "Prohibition Reorganization Act of 1930" (H. R. 8574, approved May 27, Public No. 273) set up in the Department of Justice a Bureau of Prohibition, headed by a director appointed by the Attorney-General, leaving in the Treasury Department the remnant of the former prohibition bureau, now called the Bureau of Industrial Alcohol. (c) Another act (H. R. 11143, approved June 14, Public No. 357) created a Bureau of Narcotics in the Treasury Department, abolishing the Federal Narcotics Control Board, and provided for coördination with the Division of Mental Hygiene (formerly the narcotics division) in the Public Health Service. (d) The principle of reorganization through coördination, rather than amalgamation,

⁴⁹ See p. 934.

characterized an important act (H. R. 8807, approved April 9, Public No. 106) which dealt with personnel and other relations in the public health activities of the government. (e) The Power Commission was reorganized, to consist of five commissioners appointed by the President with the consent of the Senate, for overlapping terms, at salaries of \$10,000, and with authority to constitute the necessary staff (S. 3619, approved June 23, Public No. 412).

(5) Penal institutions received noteworthy attention. (a) A Bureau of Prisons, in charge of a director appointed by the Attorney-General, at a salary of \$10,000, was provided for in the Department of Justice (H. R. 7832, approved May 14, Public No. 218). (b) Two additional institutions were authorized, one (in the northeast) to be of the penitentiary type and the other (west of the Mississippi) to be for "the confinement of young offenders" (H. R. 6807, approved May 27, Public No. 270); and arrangements were outlined for creating a hospital for defective delinquents (H. R. 7410, approved May 13, Public No. 201). (c) A single, full-time Board of Parole replaced the many existing boards (H. R. 7413, approved May 13, Public No. 202). Another act amended the probation system (H. R. 3975, approved June 6, Public No. 310). (d) It was directed that medical work in federal prisons should be handled through detail by the Public Health Service (H. R. 9235, approved May 13, Public No. 203). (e) A policy for diversification of employment and for training was sketched (H. R. 7412, approved May 27, Public No. 271). (f) Broadening a responsibility that the logic of federal relations had already caused the Department of Justice to take over, a Division of Identification and Information was formally established in the Bureau of Investigation to collect criminal identification records and to exchange them with the "authorized officials of governmental agencies, of states, cities and penal institutions" (H. R. 977, approved June 11, Public No. 337).

(6) In the field of civil service, the long-delayed, necessarily technical measure liberalizing various features of the retirement act was at last passed (S. 15, approved May 29, Public No. 279), and changes were made in some salary rates under certain grades as provided for in the classification act (S. 215, approved July 3, Public No. 523).

(7) In the face of a growing postal deficit, there are interesting implications in the requirement that the cost of various extraordinary expenditures (free services, air mail losses, extra costs in using vessels

of American registry) shall be separately classified (S. 3599, approved June 9, Public No. 316).

(8) Changes in radio law were confined to some alterations in the system of appeals from decisions of the Radio Commission (H. R. 12599, approved July 1, Public No. 494).

(9) In connection with naturalization, the chief interest attached to the amendment to the act of 1922 (The Cable Act, so-called), intended to make recovery of citizenship by married women still easier (H. R. 10960, approved July 3, Public No. 508).

(10) Agriculture evoked, amid much amendatory legislation, several acts sufficiently distinctive to warrant separate mention. (a) On the regulatory side, an elaborate statute, cited as the Perishable Agricultural Commodities Act, undertook to regulate in interstate commerce the marketing of fresh fruits and vegetables, live and dressed poultry, and eggs (S. 108, approved June 10, Public No. 325). Control under the act of 1906 was amended in regard to the standardization of canned goods (H. R. 730, approved July 8, Public No. 538). (b) Equality for agriculture, in patent law at least, was sought in the establishment of a system of plant patents, including "the exclusive right to asexually reproduce the plant" (S. 4015, approved May 23, Public No. 245). (c) The work of the Department of Agriculture abroad was dignified, and policies for the expansion of its personnel laid, by the establishment of the Foreign Agricultural Service (H. R. 2152, approved June 5, Public No. 304). (d) Relief in the form of funds from which individual loans can be made (secured by crop liens or not, in the discretion of the Secretary of Agriculture) was given in connection with the 1930 crop to the farmers of fifteen states, storm-stricken in 1929 (S. J. Res. 117, approved March 3, Public Res. No. 47), and enlarged funds for the Porto Rico Hurricane Relief Commission were authorized (S. J. Res. 118, approved Jan. 22, Public Res. No. 33).

(11) Forestry was favored, on the one hand, by an act (S. 3531, approved June 9, Public No. 319) that provided for more extensive tree-planting operations in national forests (including the authorization of appropriations which after 1934 may amount to \$400,000 annually); and, on the other, by the renewal of authorized appropriations for the purchases on eastern watersheds under the act of 1911 (H. R. 10877, approved June 2, Public No. 298).

(12) The Rio Grande compact, signed by Colorado, New Mexico,

and Texas on February 12, 1929, was consented to (S. 3386, approved June 17, Public No. 370), and advance authority was given to Oklahoma and Texas to make agreements regarding bridges over the Red River (H. R. 7968, approved April 10, Public No. 110).

(13) Federal aid to states held its ground in the renewal, for the fiscal years through 1933, of the act for the rehabilitation of persons disabled in industry (H. R. 10175, approved June 9, Public No. 317).

(14) In the varied subject of public works, earlier paragraphs have dealt with legislation for roads (notably H. R. 5616, approved April 4, Public No. 90), for buildings (especially H. R. 6120, approved March 31, Public No. 85), and for waterways (H. R. 11781, approved July 3, Public No. 520).

(15) Seldom, if ever, has a single session seen a larger variety of items of a developmental character, cumulatively full of meaning to the philosophy of government. Some have already been treated. Following are others, set down of necessity without comment, but with a sense of their significance as a mass: provision for a National Institute of Health (S. 1171, approved May 26, Public No. 251); for a five-year construction program for the Bureau of Fisheries (H. R. 7405, approved May 21, Public No. 240); for the establishment of a national hydraulic laboratory in the Bureau of Standards (H. R. 8299, approved May 14, Public No. 219); for the modernization of the Naval Observatory (H. R. 9370, approved June 11, Public No. 343); for the construction of a Forest Products Laboratory (S. 3487, approved April 15, Public No. 128); for the incorporation, with partly governmental personnel, of a Textile Foundation (H. R. 9557, approved June 10, Public No. 329); for the extension of the National Museum (S. 3970, approved June 19, Public No. 392); for the building of an annex to the Library of Congress (H. R. 8372, approved June 13, Public No. 354), and for the acquisition by the Library, at a cost of \$1,500,000, of a notable collection of incunabula.

Legislation in Suspense. The solution in which congressional legislation slowly takes form and settles is always so freighted that it is impossible to select the matters which are crystallizing. It is enough to indicate, in addition to items of unfinished business already touched upon, a few measures that are of outstanding interest.

Progress was made by the federal motor carrier bill (H. R. 10288, popularly called the "bus bill"), with its significant plan for utilizing

joint-state boards as federal agencies. Having passed the House on March 24 by a vote of 219 (178 Republicans, 41 Democrats) to 115 (30 Republicans, 84 Democrats, 1 Farmer Labor), it was first reported in the Senate on April 14. There was enough opposition, however, to prompt a minority report signed by Senator Dill and four others. On June 25, by a vote of 30 (12 Republicans, 18 Democrats) to 27 (19 Republicans, 7 Democrats, 1 Farmer Labor), the bill was displaced as the unfinished business of the Senate.

Legislation looking toward railroad consolidation, beset by suspicion, hardly advanced at all. Instead, on May 21, the Senate passed a joint resolution (S. J. Res. 161) to suspend the authority of the Interstate Commerce Commission to approve consolidations until March 4, 1931.⁵⁰ In the House, a substitute resolution was reported but not acted upon. The investigation of railroad ownership and control, authorized by the House on January 24, was said to be pointing toward early legislative action on consolidation matters.

Muscle Shoals was more tightly tied than ever, but in such a way that the issue must be at once renewed. On April 4, the Senate again accepted Senator Norris's plan (S. J. Res. 49) for public operation through a Muscle Shoals Corporation of the United States.⁵¹ The majority was substantial: 45 (18 Republicans, 26 Democrats, 1 Farmer Labor) to 23 (21 Republicans, 2 Democrats). In the House, the military affairs committee to which it was referred was a somewhat different body from that which had approved the same measure in 1928. The committee rewrote the resolution by inserting what was called the Reece plan, providing for a presidentially appointed commission which would negotiate a fifty-year lease of the property before December

⁵⁰ The vote was 46 (23 Republicans, 22 Democrats, 1 Farmer Labor) to 27 (20 Republicans, 7 Democrats). So active was the alarm regarding a possible Northern Pacific Great Northern merger that a group in the House, with its focus in the Minnesota delegation, talked of filibustering against adjournment unless S. J. Res. 161 was passed.

⁵¹ In pressing his case regarding Muscle Shoals, Senator Norris was aided by being able to draw heavily upon the hearings before the sub-committee investigating lobbying pursuant to S. Res. 20., especially the testimony in February and March of Chester H. Gray, representative of the American Farm Bureau Federation, and of C. H. Huston, long connected with the Tennessee River Improvement Association, and chairman of the Republican National Committee. See S. Rept. 43, parts 7 and 9 (May 21-22). The hammering that followed the hearings caused Mr. Huston to yield the party chairmanship to Senator Fess of Ohio.

1, 1931. This scheme was approved on May 28 by a vote of 197 (156 Republicans, 41 Democrats) to 114 (35 Republicans, 78 Democrats, 1 Farmer Labor). Thus, in hopeless disagreement, the measure went to conference.

The bill for the regulation of the issuance of injunctions in labor disputes (S. 2497), having passed from the hands of a friendly subcommittee into the whole committee of the judiciary, was first referred to the Attorney-General by a vote of 8 (6 Republicans, 2 Democrats) to 4 (3 Republicans, 1 Democrat). When he declined to comment, the committee was tied for a time, 7 to 7. On June 9, the bill was reported to the Senate accompanied by a majority report, which was unfavorable, and a favorable minority report signed by seven members (3 Republicans, 4 Democrats).

To these important questions that will await the new session, the problem of the Philippines was added, when on June 2 an independence bill was favorably reported (S. 3822, S. Rept. 781, pts. 1 and 2).⁵²

Investigations. The investigative functions of Congress happily require less defense than formerly. The Administration, particularly, has had small grounds for irritation. Thus far, the really biting lines of inquiry pursued by Congress, touching such matters as campaigning and lobbying, have amounted to self-examination on the part of Congress rather than departmental inquests.

In three important instances, Congress put money for inquiries in the hands of the President and left him free to determine the means. In one of these, \$50,000 was provided for an investigation "of the conditions in and a study of the policies relating to Haiti" (H. J. Res. 170, approved February 6, Public Res. 37). A commission appointed by the President sailed on February 25. In another instance an appropriation of \$50,000 was authorized "to cover any expenses which may be incurred by the President, through such methods as he may employ, in making a study and report on the conservation and administration of the public domain" (H. R. 6153, approved April 10, Public No. 107).⁵³ The third instance was the appropriation of

⁵² Palpable support for independence was being gained in the United States because of the desire to curtail importations like sugar and to cut off Philippine immigration.

⁵³ In the House, this measure elicited as near an approximation of a party vote as roll-calls in Congress come, except in matters like organization. It passed on January 24 by 243 (225 Republicans, 18 Democrats) to 107 (1 Republican,

\$250,000, together with the reappropriation of an unexpended balance, "for continuing the inquiry into the problem of the enforcement of the prohibition laws of the U. S., together with the enforcement of other laws."⁵⁴

Two inquiries were entrusted to congressional joint commissions. In one case, a commission was constituted, to consist of four members from each house and six members of the cabinet, in order "to study and consider amending the Constitution of the United States to provide that private property may be taken for public use during war and methods of equalizing the burdens and to remove the profits of war."⁵⁵ In the other case, a joint committee was set up to recommend readjustments of pay and allowances of commissioned and enlisted personnel in the various branches of the government (S. J. Res. 7, approved Feb. 3, Public Res. 36).

In the Senate itself, four new investigations were put in the hands of select committees: campaign expenditure (S. Res. 215);⁵⁶ post office leases (S. Res. 244); the replacement and conservation of wild life (S. 246); and the operation, economic situation, and prospects of the Alaskan Railroad (S. Res. 298). Of the investigations which were to be conducted by the standing committees or sub-committees thereof,

105 Democrats, 1 Farmer Labor). In the Senate it slipped through on the consent calendar.

⁵⁴ See above, p. 932.

⁵⁵ H. J. Res. 251, approved June 27, Public Res. 98. While in the House, Huddleston's amendment was adopted, 123 to 120, providing "that said commission shall not consider and shall not report upon the conscription of labor." The Senate struck out the words, "without profit," after the phrase, "may be taken for public use." On June 20, the House concurred, 190 (172 Republicans, 17 Democrats, 1 Farmer Labor) to 117 (12 Republicans, 105 Democrats).

⁵⁶ It was stated that the resolution applied "to candidates and contests before senatorial primaries, senatorial conventions, and the contests and campaign terminating in the general election, November, 1930." The select committee was constituted of Nye (N.D.), chairman, Goldsborough (Md.), Patterson (Mo.), Republicans; and Wagner (N.Y.) and Dill (Wash.), Democrats. During the primaries it busied itself especially in Pennsylvania, Illinois, and Nebraska.

⁵⁷ Speaking for the sub-committee of the Senate committee on the judiciary to investigate lobbying pursuant to S. Res. 20, passed in the special session, Senator Caraway, its chairman, said on June 13 that he "had no reason to believe further witnesses will be called." The sub-committee of the committee on naval affairs, which, pursuant to S. Res. 114, was to review the activities of W. B. Shearer, published hearings but tendered no report. Its chairman, Senator

there were three renewals of inquiries already under way:⁵⁷ a general survey of Indian conditions; consideration of the need of additional national parks; and the cession of lands by Mexico. Four were new: and concerned the adjustment of federal aid for roads, with reference to untaxed Indian lands; the consolidation of railroads; a complete survey of the national and federal reserve banking systems; and treaties with China. Apart from investigations by its own instrumentalities, and without including requests to the Tariff Commission, the Senate adopted 17 resolutions asking information from various executive officers.

Even in the uninquiring House, four investigations were ordered. Two matters were to be dealt with by select committees—communist propaganda⁵⁸ and campaign expenditures.⁵⁹ In addition, the commerce committee was directed to report on holding company control of railroads, and the banking committee to study “group, chain, and branch banking.”

The Senate as Council: Appointments. If the session had held no other point of interest, the scrutiny to which the President's nominations to the Supreme Court were subjected would have rendered it noteworthy. This is not the place to argue the significance of the Senate's attitude; a bare recital must suffice. The nearly simultaneous deaths of Chief Justice Taft and Justice Sanford presented the President with a double problem.*

When, almost immediately, Charles Evans Hughes was nominated as Chief Justice, a surprising resistance developed, which was still spreading when, after four days of discussion, the nomination was forced to a vote on February 13. Mr. Hughes was confirmed by 52 (38 Republicans, 14 Democrats) to 26 (11 Republicans, 15 Democrats). Under the circumstances, the outcome was probably inevitable; but the

Shortridge, was quoted as saying on June 14 that Shearer was only an observer, and besides he sought parity. The sub-committee of the committee on post offices and post roads, having looked into the sale of federal offices in certain southern states pursuant to S. Res. 42, submitted its report on March 15 (S. Rept. 272).

⁵⁸ H. Res. 220. “An American resolution,” said the chairman of the rules committee, when it passed on May 22, by a division of 210 to 18. The Speaker appointed to it Fish (N.Y.), chairman, Nelson (Me.), Bachmann (N.J.), Republicans, and Driver (Ark.) and Eslick (Tenn.), Democrats.

⁵⁹ H. Res. 258, approved June 24. The committee was to deal with the general election only. It was provided, explained Mr. Snell, in case “an abnormal situation develops during the campaign.”

President might have read a warning in the Senate's willingness to concern itself with the social philosophy of judicial candidates.

When in place of the late Justice Sanford, the President offered John J. Parker of North Carolina, judge of the circuit court of appeals, opposition spread rapidly and was reflected in the committee on the judiciary, which reported adversely on the nomination by a vote of 10 (6 Republicans, 4 Democrats) to 6 (4 Republicans, 2 Democrats). Hostility to Mr. Parker on the ground of his attitude as a politician toward negro participation found an ally in the criticism of his record as a judge in connection with labor problems;⁶⁰ the defense, on the other hand, was weakened by the fact that it was not easy to establish Mr. Parker's preëminence as a lawyer. After almost continuous debate between April 28 and May 7, Judge Parker's name was rejected by a vote of 39 (29 Republicans, 10 Democrats) to 41 (17 Republicans, 23 Democrats, 1 Farmer Labor).⁶¹

*The Senate as Council: the London Treaty and the Special Session.*⁶² The treaty for the limitation and reduction of naval armaments was signed on April 22 and was given to the Senate on May 1.⁶³ On

⁶⁰ In an extremely confusing interplay of forces, it seems incontestable that at the outset the most active element was the National Association for the Advancement of Colored People, which called attention to an alleged statement by Mr. Parker (never denied by him) when gubernatorial candidate in 1920: "The participation of the negro in politics is a source of evil and danger to both races and is not desired by the wise men of either race or by the Republican party of North Carolina." Frank Kent went so far as to say in the *Baltimore Sun* of April 28: "His rejection—if he is rejected—will be due solely to negro fear of regular Republican senators who have to vote openly. . . ." Labor's grievance was voiced in a prepared statement presented by President Green of the American Federation of Labor and printed in the *Record* of April 29. It stressed the complaint that in the case of *Lewis v. Red Jacket Consolidated Coal Company*, 18 F (2d) 839, Judge Parker "went far beyond the doctrines laid down by the Supreme Court of the United States in the *Hitchman* case.

⁶¹ On May 20, the appointment of Owen J. Roberts was confirmed.

⁶² In addition to the naval treaty, nineteen treaties and conventions were ratified in the course of the second session.

⁶³ Hearings were held during May by the foreign relations committee, as well as by the naval affairs committee, whose chairman became a prominent, if not effective, critic of the treaty. The foreign relations committee reported the treaty favorably on June 23, without amendment or comment. Two minority reports were submitted. One was an individual report by Senator Shipstead, basing disapproval upon the Senate's failure to receive all the documents (S. Rept. 1080, part 1). The other, prepared by Senator Johnson (Calif.) and signed by Sena-

May 23, the President announced formally that if the treaty was not disposed of in the regular session he would immediately call the Senate in special session for the purpose. On May 26, at an inconclusive conference of Republican senators, it was evident that the legislative program must be put first. A round-robin signed by twenty-three senators was circulated petitioning that the treaty be allowed to go over to a special session in November; but a score of supporters of the Administration (who saw that time was likely to work against the treaty) put their names to a pledge that adjournment would not be allowed to occur unless an immediate special session was assured. The strain during the closing days of legislative work was relaxed by the announcement that the Senate would meet in July. On July 3, a proclamation was issued convening a special session on July 7.⁶⁴

The chief impediment was the wrangle over the so-called secret documents. The trouble arose while the treaty was still in committee. On June 6, Secretary Stimson declined to send various papers for which the committee asked, saying that ratification of the treaty must "be determined from the language of the document itself, and not from extraneous matter." A resolution was adopted in the committee on June 12 stating "that this committee dissents from such doctrine and regards all facts which enter into the antecedent or attendant negotiations of any treaty as relevant and pertinent . . . and . . . asserts its right to have full and free access to all records." The President promptly countered by declaring: "There is not one scintilla of agreement or obligation of any character outside the treaty itself." On June 17, the committee, by a vote of 14 to 4, declined to approve Senator Johnson's proposition that the treaty should be held until the requested papers were transmitted. The controversy was carried to the floor of the Senate, centering in a resolution offered by Senator McKellar. On July 10, an amendment to this resolution, adding the words "if not incompatible with the public interest," prevailed by a vote of 38 (32 Republicans, 6 Democrats) to 17 (8 Republicans, 9 Democrats). The resolution then passed, 53 to 4—the latter all Democrats.

It was at this point that Senator Norris introduced the reservation

tors Moses (N.H.) and Robinson (Ind.)—all Republicans—was submitted on June 30 (S. Rept. 1080, part 2).

⁶⁴ The Senate was actually in session on twelve days, aggregating nearly sixty-nine hours spent wholly in discussion of the London treaty.

that cut the knot. It stated, in part, that "in ratifying said treaty the Senate does so with the distinct understanding that there are no secret files, documents, letters, understandings, or agreements which in any way, directly or indirectly, modify, change, add to or take away from any of the stipulations, agreements, or statements in said treaty." This reservation was unanimously agreed to on July 19. Then, shaking off other reservations by decisive majorities, the treaty was ratified on July 21 by a vote of 58 (40 Republicans, 18 Democrats) to 9 (7 Republicans, 2 Democrats).⁶⁵ The struggle to hold a quorum, not easy amid heat and the preliminary congressional battles of a year notable for both, was at last over.

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Literacy and the Electorate. *Expansion and Contraction of the Franchise.* Between the theory and practice of the American Revolution there was a wide breach. The ruling caste of property owners retained control in spite of the legendary democratization of that era. Jefferson's declaration of the equality of man was not fully applied to suffrage requirements until the time of Andrew Jackson. Since then, suffrage restrictions of property, color, and sex have suffered the fate of houses built upon sand. The floods of democracy have now smitten upon these limitations for more than a century. In the rise of the common man, both the property-owning and taxpaying qualifications for voters disappeared even in the original commonwealths. Once these restrictions which separated the old aristocracy from the new proletariat had been vanquished, the requisites of color and sex were likewise abandoned.

With few exceptions, suffrage had been granted to practically all adult male white citizens before the Civil War. Yet counter-attacks were waged by the advocates of a limited electorate. The theory prevails that a steady swing toward universal suffrage characterizes the American franchise. The pendulum has also swung in the opposite direction. Connecticut and Massachusetts, where the reaction against

⁶⁵ Those in the negative were: Bingham (Conn.), Hale (Me.), Moses (N.H.), Robinson (Ind.), Pine (Okla.), Oddie (Nev.), and Johnson (Calif.), Republicans, and Walsh (Mass.) and McKellar (Tenn.), Democrats. The largest vote cast for any of the defeated reservations was 11 (6 Republicans, 5 Democrats). Regarding the talk of *clôture*, see above, p. 917.

suffrage extension was rapid, were the first states to retrench on the policy of adult male white suffrage. In place of property qualifications, literacy restrictions appeared.¹ The purpose of these restrictions set up by Connecticut in 1855 and Massachusetts in 1857 was to bar the ignorant immigrants from the voting class.²

In the period of Reconstruction the color line was supposedly eradicated by the Fifteenth Amendment. The futility of granting to the newly emancipated slaves the right to vote has since been demonstrated. The resulting disorder stands as a precedent against wholesale granting of political power to an unpropertied and illiterate class.

The breakdown of the old property wall in Massachusetts and Connecticut had been followed by the hasty adoption of literacy tests aimed at the unlettered immigrants. The South, confronted with the problem of legal elimination of the negro vote, turned likewise to the literacy test, as well as other requirements. An inflated electorate goes the way of an inflated currency.

No such reaction succeeded the enfranchising of women in 1920. This testifies to the sagacity and sanity of that step. That the most educated woman could not vote while the most illiterate negro might cast a ballot was an unjustified anomaly.

For the most part, the great triumvirate of suffrage restrictions has disappeared. With the exception of the Southern states, property, color, and sex no longer separate the voters and pariahs. Is some other line of demarcation necessary? In politics, as in all else, we rarely stand still. We can hardly increase the voting class today unless we enfranchise aliens, paupers, criminals, and lunatics. Enfranchisement, if carried further, would become a *reductio ad absurdum*. Nor is it reasonable to regard the present state of the suffrage as the millenium.

To what extent has the broadening of the suffrage brought into being a more intelligent and politically-minded electorate? Has the voting class gained in quality as well as quantity? Fortunately, our attempt to stretch the voting class with little regard for the break-

¹ Conn., *Public Acts* (1851-54), pt. 4, p. 138; Mass., *Acts and Resolves* (1856-57), p. 852.

² Cf. G. H. Haynes, "Educational Qualifications for the Suffrage in the United States," 13 *Pol. Sci. Quar.* 496 (1898), and his article on "The Causes of Know-Nothing Success in Massachusetts," 3 *American Historical Review* 75 (1897-98).

ing point of democracy has been accompanied by a comprehensive program of public education.

In spite of all efforts, an unleavened mass of illiterates remains in the United States. The ballot in the hands of these illiterates is an uncertain means of making the United States safe for democracy. Lord Bryce, with all his acumen, declared: "The voter who cannot read a newspaper or the election address of a candidate is ill equipped for voting."³ In answer to this statement, radio enthusiasts can now point to the national broadcasts of campaign speeches. Granted that the radio will make individual decipherment of the speeches less essential, there still remains the need for literacy in casting the ballot.

Simultaneous with the continued extension of the right of suffrage, there has appeared a new means of retrenchment—the state literacy test. This is the new hope for those who maintain that the vote should be a privilege to be accorded only to those who can exercise it for the common good. Yet, no one after observing the administration of a modern state literacy test by a registration clerk would conclude that it is a panacea for all the evils that beset our electorate. If a man can mumble through five lines of a state constitution before registering, therein lies no proof that he will vote as a well-informed and far-seeing citizen.⁴ In fact, it might be asked,

³ *Modern Democracies* (1921), I, 71.

⁴ One of the stock methods of administering the literacy test outside the Southern states is in operation in Massachusetts. The applicant for registration draws a pasteboard slip from a box. He must read the five lines printed on the slip and write his name in a register (*Mass., Acts and Resolves* (1894), chap. 291, sec. 1). New Hampshire has substantially the same requirement, except that the voter must, in addition, write one of the lines printed on the slip (*N.H., Pub. Laws* (1905), chap. 53, sec. 1; in *Primary and Election Laws* (1926), at p. 4). The method of testing literacy in Oregon is much like that of Massachusetts (*Oregon, Laws* (1923), chap. 126 at p. 183). However, in Oregon the county clerks, deputy county clerks, and judges of election boards do not have to put the test unless an applicant is challenged by an elector or they have reasonable cause to suspect illiteracy (*Ibid.*). Connecticut, the first state to adopt the literacy test, now requires that every person prior to registration must "read at least three lines of the constitution or of the statutes of this state, other than the title or enacting clause, in such manner as to show that he is not prompted, nor reciting from memory" (*Conn., Laws* (1925), chap. 57, sec. 1). Maine stipulates that an applicant for registration must read "in the English language, other than the title, so much as may be necessary from an official edition of the constitution in such a

not how far does illiteracy disqualify a man to vote, but rather how far does literacy qualify him. Says Lord Bryce: "How far does the ability to read and write go towards civic competence? Because it is the only test practically available, we assume it to be an adequate test. Is it really so?"⁵

The literacy test may not be a panacea, but at least it is practical. A test of civic competence before admitting an individual to the electorate, even if desirable, is not feasible. Granting that such a test could be drawn up, who would administer it with fairness to all? Would it not appear to the Republican giving the test that civic competence rested with those well versed in the principles of Lincoln, Roosevelt, and Hoover? Would it not appear to the Democratic administrator that civic competence was well embodied in those who had faith in Cleveland, Bryan, and Wilson? A test of political sagacity administered by political yet neutral judges exists only in the minds of the visionaries. Perhaps in Coleridge's Pantisocracy such would have been expedient. In this day, the reading and writing test comes closer to political reality.

In times gone by, it has often been argued that illiteracy does not preclude political acumen, while literacy may be accompanied by a vast obtuseness in things political. More than sixty years ago, Senator Hendricks described the intelligence and political capacity of the illiterates of the Northwest. He claimed that they acquired information from one another, from attendance at meetings, and participation in jury duty.⁶ Today, however, when our political intercourse is carried on to such a large extent by the printed page, the in-

manner as to show that he is neither prompted nor reciting from memory." He must also enter his name on the register (Maine, *Qualifications and Registration of Voters* (1925), sec. 15 at p. 6). In Arizona, the voter must be able "to read the constitution in the English language in such manner as to show that he is neither prompted nor reciting from memory, and to write his name" (Ariz., *Election Laws* (1928), sec. 14 at p. 5). In California, the applicant "must sign a statement that he can read and write, or that he is qualified by reason of other provisions in the law" (J. P. Harris, *Registration of Voters in the United States* (1929), p. 203). Washington requires that the applicant furnish satisfactory evidence that "he is capable of reading and speaking the English language so as to comprehend the meaning of ordinary prose" (Wash., *General Election Laws* (1927), sec. 17 at p. 7).

⁵ *Modern Democracies* (1921), I, 71.

⁶ *Cong. Globe*, 39th Cong., 2nd Sess., pt. 1, p. 104.

competence of the illiterate is apparent. The modern voter who cannot read is poorly equipped for his task.

Literacy Tests and the Know-Nothing Movement. To many people, the literacy test for voters means only a Southern expedient to keep the negroes from the polls. This is not half the story. The first literacy tests in the United States were adopted in Connecticut and Massachusetts. One of the most recent and most successful experiments with the literacy test is that of New York. A test which has found favor in many Northern states, which has been used by Italy and Portugal, and which has found widespread acceptance in South America is not merely a Southern detour to avoid the Fifteenth Amendment.

The literacy test is not a fad of the modern generation. It is now almost four-score years old. Samuel Jones, a God-fearing citizen, insisted in 1842 that the leading principle to be kept in view in granting the right of suffrage was the public good. While he did not favor the requirement of a high degree of education, he did maintain that a voter "ought to be able to read and write with facility, so that he may inform himself, by study of the structure of our government, and of the principles of our constitutions; and so that he may learn from the common publications of the time, the condition and wants of the country; and so that he may write his own ballot at an election, or at least so that he may learn his whole duty, and the retributions which await the performance or non-performance of it, in the oracles of divine truth."⁷

Samuel Jones was not alone in sponsoring this test for voters. It soon ceased to be an esoteric fancy and became an exoteric fact. The reading and writing qualification first emerged in the political arena in the New York constitutional convention of 1846. The cohorts of democracy joined in greeting the newcomer with shouts of derision and ridicule.⁸ Certainly no member of that convention would have prophesied that within nine years this insignificant and aristocratic proposal to restrict the electorate would find favor in Connecticut. Why was the literacy test, scorned by the New York convention of

⁷ *A Treatise on the Right of Suffrage* (1842), pp. 132-133.

⁸ Delegate Simmons proposed a literacy test for voters. He was reminded that:

"A little learning is a dangerous thing;
Drink deep, or taste not the Pierian spring."

(N.Y. Const. Conv. (1846), pp. 820-823.)

1846, speedily adopted by the Connecticut legislators of 1854 and 1855? The answer, briefly, is that Connecticut was the first state to comprehend the possibilities of the literacy test in discriminating against immigrants.

At a popular referendum in 1855, the voters of the Nutmeg State set up as part of their fundamental law that every person, before being admitted as an elector, must be able to read any article of the constitution or any section of the statutes of the state.⁹ The amendment was swept into the constitution by the rising tide of Know-Nothing agitation against the foreigner. Some newspapers attacked the proposal as undemocratic. This "miserable tribe of low, hack, partisan, demagoguic, hollow, hypocritical democrats," said the *Connecticut Courant*, "would give the state into the arms of foreigners, or drunkards, . . . or irresponsible grog-shop scoundrels and poor-house rum-blossoms."¹⁰ The press does not afford the only example of the strength of the Know-Nothings in Connecticut in this period. It was the Know-Nothing group in the Assembly of 1855 that secured the second passage of the literacy amendment and its submission to the electorate.¹¹

While the Nutmeg literacy test was aimed at the foreigners, it failed to effect their political demise. The solons who drafted the reading test failed to stipulate that voters must be literate in the English language. Unforeseen practices soon developed. In one town, voters were admitted only after examination on a Hebrew translation of a clause of the state constitution. In Hartford, many men were declared voters because they could read from an Irish translation of the constitution drawn up by a local Irish politician popularly known as "the king."¹² As Shakespeare warned, a politician is one who would circumvent God. A venerable registrar in a Connecticut town reports that he at one time possessed a handbook of translations of the Connecticut constitution used in the examination of foreign-born applicants. He facetiously remarked that he "picked up" enough German in the corner saloon to examine those who elected

⁹ Conn., *Public Acts* (1851-54), pt. 4, p. 138.

¹⁰ Sept. 22, 1855.

¹¹ Cf. G. H. Haynes, "Educational Qualifications for the Suffrage in the United States," 13 *Pol Sci. Quar.* 496 (1898).

¹² For an account of the humorous practices that developed, see J. J. McCook, "Venal Voting: Methods and Remedies," 14 *Forum* 172 (1892-93).

to be tested in that tongue. To remedy these abuses, Connecticut adopted a further literacy amendment in 1897, stipulating that electors must be literate in the English language.¹³

The same wave of "Americanism" that effected the adoption of the Connecticut test of 1855 also brought about the Massachusetts reading and writing requirement of 1857. Irish immigrants began to pour into the Bay State after the potato famines. In 1860, of the 260,106 foreign-born in Massachusetts, 185,434, or seventy-one per cent, had emigrated from Ireland.¹⁴ In fact, no higher mathematics is needed to prove that in 1860 fifteen per cent of the entire population of Massachusetts had been born in Ireland. Had the Irish remained inactive politically, or had their votes been scattered, the situation would not have been so acute. They, however, became extraordinarily forward and united in the political affairs of their adopted country. In those early days, "the Irish vote went solidly to the Democrats, and for the first time in many years gave them a fighting chance in the struggle with the Whigs, . . . [and the] imperilling of Whig success carried with it, doubtless, the conclusion that the welfare of the state was seriously endangered."¹⁵

Not long after the action of Connecticut, the Massachusetts Senate, which was "largely composed of members elected by the Native American Party itself," took the literacy test under advisement. This Senate was, in the language of the *Boston Daily Advertiser*, a body with "an almost sublime faith in the statesmanship of men born in this country and an almost cowardly distrust of those who . . . made a pilgrimage of thousands of miles to reach it."¹⁶ By March 30, 1856, both the Senate and the House of the General Court had concurred in a literacy test amendment to the constitution.¹⁷ In the House, a bare two-thirds majority was achieved by the combined votes of Native American and Whig members. A contemporary newspaper speaks of ten Boston Whig members voting for "this precious farrago of Know-Nothing nonsense."¹⁸ With the

¹³ Conn., *General Statutes* (1902), p. 58 (Amendment 29).

¹⁴ *Eighth Census of the United States, Population* (1860), p. 508.

¹⁵ G. H. Haynes, "The Causes of Know-Nothing Success in Massachusetts," *American Historical Review* 75 (1897-98).

¹⁶ Feb. 21, 1856.

¹⁷ *Boston Daily Advertiser*, March 31, 1856.

¹⁸ *Ibid.*, March 15, 1856.

exception of those already having the right to vote, those sixty years of age, and those physically disabled, this amendment required a voter to be able to read the state constitution in the English language, and to write his name.¹⁹ The amendment was passed again by the legislature of 1857 and submitted to the people in the same year. The *Boston Herald* warned the voters that the amendment was "aimed, as has been boldly avowed, against that class of foreigners who are presumed to be Catholics, and proceeds upon the impudent assumption that large numbers of them are unable to read and write. . . . But the amendment reaches farther and strikes deeper. It reaches every emigrant from Protestant European states."²⁰ Notwithstanding the *Herald's* warning, the popular referendum favored the literacy test by a vote of 23,833 to 13,746.²¹

Literacy Tests for the Negro. Two New England states set the precedent for the use of the literacy test to discriminate against racial groups. Following their action, the reading and writing qualification lapsed into obscurity until its rejuvenation by the South. Albert Bushnell Hart, writing in 1892, considered the educational test an important mental disqualification, which, unfortunately, had not yet been widely adopted.²² "Illiterate persons were in 1880," he noted,

¹⁹ Mass., *Acts and Resolves* (1856-57), p. 852.

²⁰ April 29, 1857. As Kirk H. Porter has written, "It was the ignorant, poverty-stricken, famished, unwashed Irish Catholic rowdy whom the country may thank for bringing forth literacy tests. . . . They originated practically for the benefit of the Irishman." *Suffrage in the United States* (1918), pp. 118-119.

²¹ Official figures certified by E. H. Redstone, state librarian, Massachusetts.

²² While the literacy test was not put into effect in any other state from 1857 to 1890, it was nevertheless under consideration. Missouri, in 1865, adopted a reading and writing test to take effect in 1876 (Mo. Conv. (1865), *Journal*, p. 261). But the constitutional convention of 1875 abolished it (Mo. Conv. (1875), *Journal*, vol. 1, p. 350.) A literacy test for the voters of the District of Columbia was proposed by Senator Dixon of Connecticut in 1866. This, of course, was never adopted (*Cong. Globe*, 39th Cong., 2nd Sess., Senate; Dec. 12, 1866; pt. 1, p. 84.) Before the Fifteenth Amendment went into effect on March 30, 1870, the literacy test was debated in the constitutional conventions of Alabama, Virginia, Georgia, South Carolina, and Florida. In Florida alone was it adopted; and even in this state it never went into effect. A futile attempt was made to incorporate a reading and writing test into the Louisiana constitution in 1879 (See Ala. Const. Conv. (1867), *Journal*, p. 45; Va. Const. Conv. (1867-68), *Debates and Proceedings*, vol. 1, p. 461; Geo. Const. Conv. (1867-68), *Proceedings*, pp. 279-282; So. Car. Const. Conv. (1868), *Proceedings*, pp. 825-832; Fla., *Const.* (1868), Art. XIV, sec. 4; La. Const. Conv. (1879), *Journal*, p. 309.)

"excluded only in Massachusetts and Connecticut. The effect was to debar from suffrage about 35,000 persons. The clause of the new Mississippi constitution requiring the voter to be able to read the state constitution, or to give a reasonable interpretation of it when read to him, is likely to be a model for other states, and thus to increase this kind of disfranchisement."²³

How quickly this constitutional provision of Mississippi proved a model for other Southern states is now known to every student of the suffrage problem. The educational test, no longer in eclipse, became a very effective means for the control of the negro vote. The action of Mississippi in 1890 was followed by that of South Carolina in 1895, Louisiana in 1898, North Carolina in 1900, Alabama in 1901, Virginia in 1902, Georgia in 1908, and Oklahoma in 1910.²⁴

²³ "The Exercise of the Suffrage," 7 *Pol. Sci. Quar.* 312 (1892).

²⁴ The constitution of Mississippi required that after January 1, 1892, "every elector shall . . . be able to read any section of the constitution of this state or he shall be able to understand the same when read to him or give a reasonable interpretation thereof" (Miss. Const. Conv. (1890), *Journal*, p. 676). The South Carolina literacy test required the applicant to "read and write any section of the constitution submitted to him or her by the registration officer." There was an alternative tax-paying clause (So. Car., *Const.* (1895), Art. II, sec. 4, par. c, d, and e). The Louisiana provision of 1898 required the registering voter to make, under oath, a written application in the English language or his mother tongue. An alternative \$300 property clause and a temporary grandfather clause rounded out the qualifications (La., *Const.* (1898), Art. 137, sec. 3, 4, 5). In 1921 Louisiana made a good character and understanding clause also an alternative to the literacy requirement (La., *Const.* (1921), Art. VIII, sec. 1, d). In North Carolina, the applicant for registration must be able "to read and write any section of the constitution in the English language" (No. Carolina, *Const.*, Art. VI, sec. 4 (as amended in 1900)). Of course there was a temporary grandfather clause for the whites. As for Alabama, the literacy test stipulating that voters be able to read and write any article of the constitution in the English language was combined with a clause calling for regular employment (Ala., *Const.*, Art. VIII, sec. 181). There was a temporary old soldier clause and another alternative—the \$300 property qualification. Virginia stipulated that the person seeking registration must "make application to register in his own handwriting, without aid, suggestion or memorandum, in the presence of the registration officers. . . ." Until 1904, temporary alternatives were established, namely, an old soldier clause, an understanding clause, and a property qualification (Va., *Const.* (1902), Art. II, sec. 19, 20). Georgia demanded ability to read in English a paragraph of the United States constitution and to write the same when read by a registrar. A temporary grandfather clause was incorporated. Other alternative qualifications were an understanding clause and a property requisite (Geo., *Laws* (1907), pt. 1, title 3, no. 124, par. 4). Oklahoma in 1910 called for ability to read and write

Within two decades eight Southern states attested the popularity of the literacy test as an instrument to disfranchise the negroes legally. Parallel with the reading and writing tests for voters, many Southern states set up temporary grandfather clauses, practical expedients to exempt illiterate whites from the literacy stipulation. Oklahoma's combined literacy test and grandfather clause proved to be the last straw. The declaration of its unconstitutionality by the Supreme Court followed.²⁵

The Struggle for a Scientific Literacy Test in New York. The extension of the literacy test since the action of Massachusetts in 1857 has not been limited to the southern regions alone. For sundry causes, it has found acceptance both in the East and the West, having been adopted in Wyoming in 1889, Maine in 1892, California in 1894, Washington in 1896, New Hampshire in 1902, Arizona in 1913, New York in 1921, and Oregon in 1924.²⁶ Among these states, New York has taken the most advanced steps by entrusting the administration of the literacy test to school authorities rather than registration and election officials as is done in other states.

A constitutional amendment providing that voters must be able to read and write English was passed by the legislature of 1920.²⁷

any section of the Oklahoma constitution, with a permanent grandfather clause as an alternative (Okla., *Primary and Election Laws* (1913), p. 1). This was declared unconstitutional in *Guinn and Beal v. U.S.* (1915, 238 U.S. 347).

²⁵ The suffrage requirements enacted by Southern states from 1890 to 1910 have been so often reviewed in standard treatises that the subject is dismissed in this summary manner.

²⁶ The specific provisions may be found as follows: Wyo., *Const.* (1889), Art. VI, sec. 9; Maine, *Const.*, Amendment 29; Cal., Amendment to Art. II, sec. 1, in Heming, *Constitution of California* (1899) at p. 113; Wash., Amendment to Art. VI, sec. 1, in Remington, *Compiled Statutes of Washington*, vol. I, p. 131; N.H., *Const.*, Art. XII, pt. 1; Ariz., *Acts* (Special Session, 1st legislature, 1912), chap. 83, sec. 1; McKinney, *Consolidated Laws of New York*, book 2, p. 25; Oregon, Amendment to Art. II, sec. 2, in Oregon, *Laws* (1923), p. 495.

²⁷ A literacy test was first proposed in New York in the constitutional convention of 1846 (N.Y. *Const. Conv.* (1846), p. 820). Such a requirement was introduced also in the convention of 1867-68 (N.Y. *Const. Conv.* (1867-68), *Proceedings and Debates*, p. 491). It was resurrected in the convention of 1894, where it was vigorously opposed by the Democratic members of the committee on suffrage (N.Y. *Const. Conv.* (1894), *Record*, vol. II, p. 713). Again it bobbed up in the convention of 1915. On this occasion, "Al" Smith, argued: "If the ability to write one's name is a test of good citizenship, there are hundreds of men in Mr. Osborne's home for wayward men on the Hudson able to qualify, for not only have

The specific terms of this amendment to Article II, Section 1, of the constitution provided that: "After January 1, 1922, no person shall become entitled to vote by attaining majority, by naturalization, or otherwise, unless such person is also able, except for physical disability, to read and write English; and suitable laws shall be passed by the legislature to enforce this provision."²⁸ In the Assembly of the 1920 legislature the Republicans had a puissant majority; in the Senate a safe one.²⁹ Similarly, the legislature of 1921, which added its approval to the literacy amendment, was distinctly Republican. This session was marked by the complete domination of the Republican governor, N. L. Miller. It was sometimes called "Miller's Mill."³⁰ Submission of the literacy test to the people on November 8, 1921, resulted in its adoption by a vote of 896,355 to 632,144.³¹

The first year of the administration of the New York literacy test was not altogether happy. The legislature provided in 1922 that a new voter might either present to the board of inspectors a certificate of literacy signed by the principal of a public school or submit to an examination by the election board.³² Within less than a year this law was deemed a failure. The easier means to the ballot was by way of the election officials. This way was "generally sought by the illiterate foreigner and the politicians."³³ Some inspectors assumed that the imposition of a literacy test was optional. In a number of districts of New York City no literacy test was imposed on new voters.³⁴ This abuse of power by the inspectors was soon remedied by subsequent legislation.

they proved their ability to write their own names but the names of others" (*New York Tribune*, Aug. 26, 1915). Ranged behind Smith, "the Democrats almost to a man stood solidly against the proposal" (*Ibid.*).

²⁸ McKinney, *Consolidated Laws of New York*, book 2, p. 25.

²⁹ The figures were: Assembly, 109 Republicans and 36 Democrats; Senate, 30 Republicans and 21 Democrats. Cf. *New York Tribune*, Nov. 6, 1919.

³⁰ See *New York Times*, April 18, 1921.

³¹ New York State, *Legislative Manual* (1929), p. 826.

³² New York, *Laws* (1922), chap. 588, sec. 166. The State Board of Regents was given the power to draw up rules governing the issuance of literacy certificates. If the new voter elected to be examined by the election board, he must read a constitutional extract of fifty words and write ten of the words legibly.

³³ Editorial, "Triumph of the Literacy Law in New York," *Educational Review*, vol. 67 (1924), p. 40.

³⁴ This was reported by Deputy Attorney-General A. S. Gilbert. Cf. N.Y. State Assoc., *State Bulletin*, vol. III, no. 3, p. 5.

The New York State Regents Literacy Test. Under the law of 1923, the sole authority to make rules and regulations governing the issuance of certificates of literacy was granted to the educational authorities through the State Board of Regents. A new voter might present as evidence of literacy either a certificate of literacy issued under the rules of the Board of Regents or a diploma showing that he had completed the work of an approved eighth-grade elementary school, or of a higher school in which English was the language of instruction. Determination of the genuineness of the certificate or diploma and the identity of the voter was left to the election officials.³⁵ Litigation followed, and the Court of Appeals upheld this law. Granting of the power to issue literacy certificates to educational authorities alone was held to be a reasonable measure in view of the possible lack of impartiality in election boards. It was not a delegation of legislative power.³⁶

Henceforth, election boards might not compete with school authorities in the administration of the literacy test. The future administration rested with the State Board of Regents. The state commissioner of education, Dr. Frank P. Graves, appointed a committee to draw up appropriate tests. The members of this committee had, been or were engaged in teaching educational psychology or measurement. The instructions for taking the test are very specific, and the test below is a fair sample. .

³⁵ N.Y. *Laws* (1923), chap. 803, sec. 166. The text of this law is as follows: "A certificate of literacy issued to a voter under the rules and regulations of the Board of Regents of the state of New York to the effect that the voter to whom it is issued is able to read and write English, or is able to read and write English save for physical disability, which shall be stated in the certificate, shall be received by election inspectors as conclusive of such fact except as hereinafter provided. But a new voter may present as evidence of literacy a certificate or diploma showing that he has completed the work of an approved eighth-grade elementary school or of a higher school in which English is the language of instruction. But the genuineness of the certificates and the identity of the voter shall remain questions of fact to be established to the satisfaction of the election inspectors and subject to challenge, like any other fact relating to the qualifications of a voter. The inability of a voter, save for physical disability only, obvious to the election inspectors, to write his name in a poll book or register, shall be deemed conclusive proof of inability to read and write English, notwithstanding the presentation of proof of literacy as herein provided."

³⁶ *People v. Voorhis*, 236 N.Y. 437 (1923).

Instruction for the Test

(To be read aloud by the examiner)

"On the other side of this paper is a test to see whether you can read and write English. It is a paragraph like this one you are reading now. Below it are some questions like those you see below this paragraph. When you turn over the paper, the first thing to do is to read the paragraph. Next, read the first question. Then, go back and read the paragraph until you find the answer to this question. When you find the correct answer, write it on the dotted line after the first question. You do not have to answer in a complete sentence unless you want to. Usually, one or two words will be enough for your answer to the question. Write the answer as plainly as you can, for this is a test of both reading and writing. Answer all the other questions in the same way. When you have answered every question, read the paragraph and all your answers over again. This is to make sure that you have made no mistakes."

New York State Regents Literacy Test

Read this and then write the answers. Read it as many times as you need to.

"Mary had been waiting for the Fourth of July. It was on this day that her father and mother were going to take her to the park. Because it was a holiday her father did not have to work. Mary had learned in school why we celebrate the Fourth of July. The Declaration of Independence was signed on July 4, 1776. It was written by Thomas Jefferson. It is called the Declaration of Independence because it declared the thirteen American colonies free from England. The Fourth of July is celebrated as a national holiday by all of the forty-eight states."

(The answers to the following questions are to be taken from the above paragraph.)

1. For what day had Mary been waiting?
2. Where were her father and mother going to take her?
3. Why did Mary's father not have to work?
4. Where had Mary learned why we celebrate the Fourth of July?
5. When was the Declaration of Independence signed?
6. Who wrote the Declaration of Independence?
7. From what country did the Declaration of Independence declare the thirteen American colonies free?
8. How many states celebrate the Fourth of July as a national holiday?

These tests were from the first, and still are, prepared by a group of educational psychologists working in conjunction with the state education department. All the members of this New York Literacy Commission, as it is designated, are, or were at some time, teaching educational psychology in New York State. Unlike the usual form of reading and writing examination in the United States, the Regents test requires ability to read with understanding and to write with comprehension. All the tests are similar in that they are about one hundred words in length. The words in the literacy tests are taken from the list of 4,000 words prepared by Alfred E. Rejall and au-

thorized by the Regents as the basis of a course of study for non-English-speaking adults. The tests approximate the reading ability of a fifth-grade pupil in the New York State public schools. They center about such topics as America, Americanization, American history and government, citizenship and naturalization, civic duties and institutions, industries and occupations, international relationships.³⁷

Each test is rated according to a scoring key which gives correct and incorrect answers. Any answer judged equal to the worst one called correct in the key is accepted. Complete sentences are not required. Errors of grammar or spelling are overlooked if they do not indicate actual misreading.³⁸ The object is to test the ability of candidates to read and write in a comprehending manner. The number of correct answers for passing credit is stated on each scoring key. The number of incorrect answers allowed without preventing passing corresponds to the number of incorrect answers that the median child in the upper fourth or lower fifth grade in the public schools of New York State gave on each test when it was tried out experimentally. The number of questions ranges generally from seven to ten. "All the persons who fail to pass the examination may take one subsequent examination in each year at one of the regularly specified times set for examinations."³⁹

All new voters, i.e., all persons who became qualified to vote in New York State on or after January 1, 1922, must present evidence of literacy.⁴⁰ This does not mean that all new voters must subject themselves to the literacy test. Taking this is only a last resort for those who can present no other acceptable proof of their literacy. Under the law of 1923, a new voter may present as evidence of literacy a certificate or diploma showing that he has completed the work of an approved eight-grade elementary school or of a higher school in which English is the language of instruction. Without examination,

³⁷ This summary is based on the instructive and interesting analysis of the New York procedure by Alfred E. Rejall, "A New Literacy Test for Voters," reprinted from *School and Society*, vol. XIX, no. 479, March 1, 1924.

³⁸ University of the State of New York, *Bulletin No. 911* (Nov. 1, 1928), p. 15—"Regulations and Directions Governing the Issuance of Certificates of Literacy and Conduct of New York State Regents Literacy Test." This is the official bulletin issued to superintendents and examiners. (Hereafter cited as *Bulletin No. 911*.)

³⁹ *Bulletin No. 911*, p. 14.

⁴⁰ *Ibid.*, p. 11.

certificates of literacy are issued by school superintendents to applicants whose credentials show that they have successfully completed either the work prescribed for the sixth grade of the public schools of the state or a course in reading and writing English equivalent to that required of sixth grade pupils. To those physically disabled, a special rule applies. They must satisfy the examiner that they could pass the literacy test if it were not for such disability. Failing any of these options, the only method of obtaining a certificate is by the actual passage of the literacy test.⁴¹ In accordance with these rules, city, village, and district superintendents issue certificates of literacy.

Great has been the work of the state department of education in issuing certificates. For the period of registration and election day, 1928, superintendents issued certificates to 29,833 who presented day school credentials and to 3,602 with evening school credentials. The literacy test was passed by 116,760 candidates; it was failed by 13,104. Thus under the impetus of the election campaign, 129,864 persons altogether actually took the reading-writing test. Of this total, some ten per cent were unsuccessful. In the work, 4,701 examiners were required and 2,802 different buildings. The smooth and non-partisan conduct of these tests was a distinct achievement. The traditional literacy test of Massachusetts and other states administered by election officials pales by comparison. The fact that 13,104 examinees failed the test does not mean that ten per cent of the potential new voters in New York could not pass a simple literacy requirement. It means simply that ten per cent of those who lacked other credentials and were forced to take the Regents test failed in the attempt.⁴²

The New York State Regents literacy test was a real achievement. It not only provided a new impetus for evening school work among adults, but it also directly linked the state education depart-

⁴¹ *Bulletin No. 911*, p. 9.

⁴² State Department of Education, *Administration of the Literacy Law for New Voters* (a statistical table prepared by Dr. A. E. Rejall). As a general rule, 20 per cent of those taking the Regents test have failed, while 10 per cent failed in 1928. This can be explained by the fact that thousands of new women voters, obviously literate, were unable to present eighth-grade or higher diplomas. Owing to the closely contested election in 1928, strict adherence to the letter of the law was maintained. Such new voters were required to take the literacy test and passed with ease.

ment with the maintenance of an electorate literate in the English language. The administration of the literacy test by election boards has always been open to the charge of partiality, and actual experience in New York demonstrated that the election officials were not enforcing the literacy test satisfactorily. The elimination of this procedure and the granting to educational authorities alone the power to determine literacy was a major accomplishment. Another advance was the overthrow of the traditional type of literacy test. A candidate could no longer enter the ranks of literate voters merely by reading, with or without comprehension, a few lines from the statutes or constitution. The genius of the Regents test lies in the development of a scientific measurement of a candidate's ability to read and write with comprehension in the English language.

By adopting the first literacy test, Connecticut led the way in 1855. Now, New York is blazing a new trail. To Connecticut goes the credit for the initial move, motivated though it was by partisan considerations. To New York falls the honor of the improved reading and writing requisite. The New York State Regents literacy test points the way to more effectual enforcement of a literacy standard for voters.

Conclusion. The literacy test is not a sovereign cure for all our electoral ills, but it is one important remedy. With our present systems of compulsory and adult education, day schools and moonlight schools, it is no injustice to ask the voter to learn the English language. Nor is it a denial of the right to vote. The ballot is tendered upon the fulfillment of a duty which is not onerous but beneficial in its execution. Such is the virtue of the literacy test pursued in and for itself.

In view of our system of public education, the literacy requirement is not a reversal of our democratic principles. Illiteracy will become an increasingly rare phenomenon. Our people have long been accustomed to tests for the practice of law and medicine. These have meant little to the non-professional man. But when the layman took to the automobile, he soon learned that in some states he must show his capacity to drive before receiving his license. These tests did not insure that he would thereafter drive carefully and sanely, but they did free the roads of the utterly incompetent. Similarly, the literacy test will not shield us from corruption. It will not remove from the highways of democracy all reckless voters. But it will sift

out a large group not capable of marking a ballot intelligently.

In 1920, the United States census listed as illiterate 4,931,905 persons.⁴³ The validity of these literacy statistics has not been substantiated by other surveys. The Illiteracy Commission of the National Educational Association reported in 1924 that there were ten million illiterates and an additional ten million semi-illiterates.⁴⁴ The army tests of 1917 and 1918 were applied to 1,556,011 men and 32,893 officers. Of these, twenty-five per cent were found to be illiterate and an additional five per cent were considered semi-illiterate.⁴⁵

How can this disagreement on the percentage of illiterates in the United States be explained? The answer lies in the divergent definitions of illiteracy. To the United States census-takers, an illiterate was a person who confessed inability to write in any language. In the actual census, no proof was demanded. Mere assertion of ability to write was accepted without any tests. The National Educational Association considered as illiterate all those who could not read and write in the English language. The army tests, as administered in many training camps, required an "ability to read and understand newspapers and write letters home." Obviously, the number of illiterates varies directly with the rigor of the definitions of literacy. But the surveys show us that our public school system is not infallible.

No reasonable man can agree with those alarmists who picture millions of illiterates swinging national elections every four years. There is no proof that illiterates have a class consciousness and group solidarity. The American electorate is not divided along the lines of university graduate *contra* illiterate. The establishment of state literacy tests throughout the country will not detract from the influence of political propaganda upon the common man. He cannot merely touch the garment of literacy and be made whole. The historical panorama of the educational stipulation shows that time and again it was enacted with partisan incentives. Its good effect upon the electorate has often been an afterthought. These malpractices, nevertheless, do not impair the intrinsic merits of the literacy test for voters.

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⁴³ *Fourteenth Census of the United States* (1920), II, 1246.

⁴⁴ *Illiteracy Report of the Illiteracy Commission*, issued by the National Educational Association, July, 1924, p. 13.

⁴⁵ *National Academy of Sciences, Memoirs*, XV, 100.

LEGISLATIVE NOTES AND REVIEWS

EDITED BY CLYDE L. KING

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The Progress of Permanent Registration of Voters.¹ *Kentucky.*

At its regular biennial session in 1930 the legislature of Kentucky enacted a sound permanent registration law for the city of Louisville. The state has had a permanent registration law for cities since 1922, but with such great defects that voting frauds became prevalent in Louisville, resulting in the setting aside of a municipal election in 1925. No feasible provision was made in the old law for purging the names of persons who had died or moved away. The books became clogged with the names of such persons, which were voted by repeaters.

A sound permanent registration bill was introduced in the 1928 session of the legislature, and, having been passed by an overwhelming vote, was vetoed by the governor near the close of the session when it was too late to pass the bill over his veto. The Louisville League of Women Voters became active immediately after the legislature adjourned, and, with the support of the local newspapers, called upon Mayor Harrison to appoint a special committee to draft a new registration bill, to be submitted to the legislature two years hence. This committee, consisting of the city and county attorneys and two prominent representatives of the party organizations, was appointed by the mayor and proceeded to draft such a bill. Members of the committee visited Milwaukee, Minneapolis, Des Moines, and other cities where permanent registration is in use. A satisfactory bill, providing permanent registration for the city of Louisville, was drafted and received the endorsement of the League of Women Voters, the local newspapers, and the Republican organization. The measure set up a registration commission of two members, appointed upon recommendation of the party organizations, and provided that the first registration should be held in June of this year. The voter is required to register in person, and to sign two looseleaf or card records. Later, the registration office is required to prepare three ad-

¹ For previous accounts of the spread of permanent registration, see this *Review*, May, 1928, pp. 349-353, and November, 1929, pp. 908-914.

ditional copies, one to be turned over to the Republican and one to the Democratic organization, so that these may maintain their own records of registration. It is unlikely that this feature of the law will work out as anticipated, for it will be extremely difficult for the party organizations to keep their records in agreement with the records in the registration office. No other state has a provision of the kind. The party organizations of Louisville, however, demanded this provision before giving their approval to the bill.

Other provisions call for a cancellation of the registration of voters for failure to vote, the use of death reports, and a periodical house to house check up, as means of keeping the lists correct. The original registration was conducted by precinct officers, but thereafter it is anticipated that registration will be confined largely to the central office. A very important provision, and one which occasioned considerable opposition, is that requiring the voters to sign before being permitted to vote, and a comparison of the signature with that on the registration record. It was objected that Louisville has many illiterate voters who will be unable to sign, but provision is made in the law to take care of such voters by a personal description.

The bill was modeled closely upon the report of the National Municipal League Committee on a "Model Registration System,"² and, it is interesting to note, is labeled under its own terms as "The Model Registration Act." It received practically unanimous support in the legislature and was signed by the governor. Another bill, patterned somewhat after it, but with serious modifications, which would have applied to the other cities of the state, was also passed, but was vetoed. If the new law is successful in Louisville, however, it will probably be extended to the other cities of the state at the next legislative session.

California. Permanent registration bills have been defeated at the last two sessions of the California legislature, largely because of the opposition of the county clerks, who at the present time receive a fee of ten cents for each new registration. The printers' lobby has also furnished active opposition. After the close of the legislative session of 1929, J. H. Zemansky, registrar of voters in San Francisco (now retired), and Richard Kerr, registrar of voters in Los Angeles, led a movement to put the issue on the ballot and let the voters of

² Supplement, *National Municipal Review*, January, 1927.

the state vote upon it. A new registration bill, which is a model of brevity and adequate in every particular, was drafted and printed in the form of petitions for submission to a referendum vote. The civic organizations of San Francisco and Los Angeles lent support to the movement, and the principal newspapers endorsed the plan. Early in 1930, a sufficient number of signers had been secured and the petition was filed with the secretary of state to be voted upon this fall.

The proposed permanent registration act provides for a personal registration, signature, and adequate means for purging the lists. The existing registration law in California is excellent in many respects, and only slight changes are necessary to adapt it to a permanent system.⁸ The signature at the polls is already required, and the present registration is conducted largely by a house-to-house canvass, reaching the voter at his home. It is convenient to the voter, and no charges of fraud are made; but the system is expensive, and when the voter moves he has to go to the election office and register from the new address. The proposed permanent registration law will greatly reduce the cost and better serve the convenience of the voters.

Other States. At the regular legislative sessions of 1931, permanent registration will be proposed in a number of other states where it has been pushed for the last several years. The Kansas City Public Service Institute will continue its fight for a sound registration law in Missouri, probably expanding the scope to include an entirely new election code. In Illinois, a special election commission was created by the 1929 legislature, and will report recommended changes in the election laws of the state. It is anticipated that permanent registration will be included in its report. The legislature of the state of Washington has passed permanent registration acts at its last two sessions, only to have them vetoed by the governor. It is probable that the matter will come up again. In Pennsylvania, various civic organizations, including the League of Women Voters, have been pushing election reforms for a number of years. Enabling legislation for the adoption of voting machines was passed at the 1929 legislative session, as well as a new and more effective law concerning the recounting of ballots. Other reforms, probably including a permanent registration of voters, with the signature at the polls,

⁸ See my "Registration for Voting in San Francisco," *National Municipal Review*, April, 1926.

will probably be pushed in 1931. The Georgia League of Women Voters will sponsor a permanent registration bill in the 1931 legislative session. It is probable that a bill will be introduced in the next New York legislature to create a special election commission to study various election matters, including permanent registration.

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The Presidential Short Ballot. For years there has been a gradual tendency to make the presidential ballot conform less to the formal legal theory, and more to the actual political practice, of the presidential election. The latest, and perhaps ultimate, step in this evolution, as pointed out by the writer in a prior note in 1923,¹ is to shorten and simplify the ballot by removing the names of the candidates for presidential electors. This newest type of ballot had then been adopted by only two states, Nebraska and Iowa.² Since that time, four more states have followed their example: Wisconsin³ in 1925, Illinois⁴ in 1927, Ohio⁵ and Michigan⁶ in 1929. Thus this type of ballot has now been tested by two states in three presidential elections, and in the election of 1928 by four states having in all 63 electoral votes. It will be used in the next presidential election by at least six states, with a total of 102 electoral votes,⁷ or nearly one-fifth of the electoral college.

The two essential legislative provisions for this ballot innovation have to do, first, with the form of the ballot, and second, with the method of giving legal effect to an indirect vote for the electors. The provisions of all six states on these two points are now in harmony, and therefore practically standardized.

The form of the presidential short ballot provided for by the pioneer Nebraska act has not been, and probably will not be, improved upon. It is now uniform in all six states. The names of the persons nomi-

¹ "The Presidential Ballot," in this *Review*, February, 1923.

² Adopted by Nebraska in 1917, by Iowa in 1919.

³ *Laws of Wisconsin, 1925*, ch. 250.

⁴ *Laws of Illinois, 1927*, pp. 450-53.

⁵ *Laws of Ohio, 1929*, vol. 113, p. 357.

⁶ *Public Acts of Michigan, 1929*, no. 306.

⁷ This number will doubtless be increased somewhat by the impending reapportionment of congressmen.

nated by each political party or group as candidates for presidential electors are to be certified to the secretary of state except in Nebraska, where it is to the governor. The Michigan provision for the form of the ballot is typical: "The names of the candidates of the several political parties for electors of president and vice-president shall not be printed on the official ballot. . . . In lieu thereof the names of the candidates of each political party for president and vice-president shall be printed within a bracket, immediately below the circle in the column of said party, with a square to the left of such bracket."

Nebraska, Iowa, Illinois, and Michigan continue their ballots as they were except for this substitution of the names of presidential for those of electoral candidates. The other two states each had a separate presidential ballot, which is retained by Wisconsin, but abandoned by Ohio. The removal of the long lists of names of the candidates of the different parties for Ohio's twenty-four electors so shortened and simplified the presidential ballot that it has been merged with the state and local ballot.

The Nebraska provision for translating votes for candidates for president and vice-president into votes for their electors through appointment by the governor did not meet with approval, and has been uniformly rejected. The only other act to include this provision was that passed by the legislature of Illinois in 1921 and vetoed by the governor. Such appointment was not only unnecessary, as discovered since, but of very doubtful validity. It appeared positively to conflict with a valid act of Congress that electors "shall be appointed in each state on the Tuesday next after the first Monday in November."⁸

It remained for Iowa, in its act of 1919, to solve this legislative problem of how to leave the names of the candidates for electors off the ballot, and yet provide for their legal choice by the voters on the day fixed by Congress. This was done by the original and ingenious provision that a vote for the candidates of a party for president and vice-president shall legally be regarded and counted as having been cast for the list of candidates of that party for electors.⁹ It is doubtful if a better legislative device will be discovered. It has been incorporated as a standard provision in the law of every state having this type of ballot. Nebraska adopted an amendment in 1927 repealing the

⁸ *U. S. Compiled Statutes*, title III, sec. 199.

⁹ *Laws of Iowa General Assembly, 1919*, ch. 86, sec. 6.

provision for appointment by the governor and substituting the Iowa provision.¹⁰

The amendatory act of Wisconsin consists of two very simple and direct provisions on this point. The first directs that the ballot shall bear the following instructions to voters: "Make a cross or other mark in the square opposite the names of the candidates for president and vice-president for whose electors you desire to vote. Vote in *one* square only." The second provides that "in counting presidential ballots, votes shall be counted as having been cast for the electors of the candidates after whose names the voter has made the mark indicating his choice thereof." The Ohio law is also very concise. "A vote for any of such candidates (for president and vice-president) shall be a vote for the electors of the party by which such candidates were named and whose names have been filed with the secretary of state." The provision of both the Illinois and the Michigan statute (the latter modeled on the former) is expressed in both negative and positive terms as follows: "marking a cross in the circle under the party name of a political party . . . shall not be deemed and taken as a direct vote for the candidates of the said political party for president and vice-president, or either of them, but, as to the presidential vote, as a vote for the entire list or set of presidential electors chosen by that political party and certified to the secretary of state."

In all six states except Wisconsin the voter may vote for president and vice-president in either of two ways: first, by voting a straight ticket—national, state, and local—by means of a mark in the party circle, or second, by voting a split ticket by means of a mark in the squares before the brackets inclosing the names of the candidates of his choice. In Wisconsin, he votes for the candidates he prefers by means of a separate presidential ballot.

The most obvious result of this ballot change has been a great reduction in the size of the ballot. In Nebraska, the presidential part of the ballot in the last three elections has occupied scarcely a fourth of the space that it did before. In Wisconsin, the separate ballot for 1928 was only about 6 x 8 inches in size, or less than one-fourth its former dimensions. In Illinois, with its twenty-nine electors, the difference was even more marked. Instead of occupying a broad space over a foot wide across the huge general ballot, the presidential ticket

¹⁰ *Laws of Nebraska, 1927*, ch. 105.

of 1928 formed only a narrow strip less than two inches in width. This reduction in size added greatly to the convenience of the voters and election officials in voting and counting the ballots. While no definite data have yet been gathered, there must have been a considerable saving in expense for the printing of ballots. In Ohio, it will be practically the entire expense of a large separate ballot for the choice of twenty-four electors.¹¹

This type of presidential ballot is so clearly superior to every other that it should be adopted by the states generally.¹² The chief obstacle hitherto appears to have been a doubt regarding its constitutionality. This doubt is quite unwarranted. The national constitution unquestionably vests in the legislatures of the states full and exclusive authority to regulate the manner of choosing presidential electors. In the one case involving this question that has come before it, the national Supreme Court sustained this power of the state legislatures in no uncertain terms.¹³

The opinion of Chief Justice Fuller quotes with approval the following from a report by Senator Morton, chairman of the committee on privileges and elections:¹⁴ "The appointment of these electors is thus placed absolutely and wholly with the legislatures of the several states. They may be chosen by the legislature, or the legislature may provide that they shall be elected by the people of the state at large or in districts, . . . and it is no doubt competent for the legislature to authorize the governor, or the supreme court of the state, or any other agent of its will, to appoint these electors. This power is conferred upon the legislatures of the states by the constitution of the United States and cannot be taken from them or modified by their state constitutions. . . . Whatever provisions may be made by statute, or by the state constitution, to choose electors by the people, there is no doubt of the right of the legislature to resume the power at any time, for it can neither be taken away nor abdicated."

¹¹ On the other hand, the complete separation of the vote for president from that for state and local officials is destroyed. Voters may now vote a straight ticket—national, state and local—with one mark in the party circle. This merging of the ballots will therefore undoubtedly increase the influence exerted by the national upon the state and local tickets.

¹² For other advantages of this type of ballot not mentioned above, see "The Presidential Ballot," in this *Review*, Feb., 1923, p. 94.

¹³ *McPherson v. Blacker* (1892), 146 U. S. 34-35.

¹⁴ Senate Report, 43rd Cong., 1st Sess., No. 395.

The conclusion of the court is stated very definitely as follows: "From the formation of the Constitution until now the practical construction of the clause¹⁵ has conceded plenary power to the state legislature in the matter of the appointment of electors. . . . The appointment and mode of appointment of electors belong exclusively to the state under the Constitution of the United States. . . . Congress is empowered to determine the time of choosing the electors and the day on which they are to give their votes . . . but otherwise the power and jurisdiction of the state is exclusive, with the exception of the number of electors and the ineligibility of certain persons. . . ."

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¹⁵ U. S. Const., Art. II, Sec. 1, Clause 2.

FOREIGN GOVERNMENTS AND POLITICS

EDITED BY WALTER J. SHEPARD

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The Sovereignty of the British Dominions¹: Law Overtakes Practice. It is interesting that this work by Professor Keith, who is acknowledged everywhere to be the most authoritative of the commentators on the constitutional system of the British Empire, should have appeared at the very moment when the Conference on Dominion Legislation and Merchant Shipping Laws began its sittings in London in October, 1929. If it was intended to guide their deliberations, the publication of the Report of the Conference² in February, 1930, shows how widely a conservative statement of the existing law and practice will differ from the new structure of Dominion autonomy, once the Report is accepted by the Imperial Conference, by the Parliament in Great Britain, and by the legislatures of the Dominions. For where Professor Keith saw in the "equal status" of the now classic Balfour Report of 1926 only "exaggerated language," "careless phraseology," and "rhetoric," the Conference took this "root-principle" seriously and applied it throughout. As the Conference contained all the most important legal advisers and civil servants of the governments concerned, besides four Dominion ministers, its report will almost certainly be accepted by the Imperial Conference.

The experts recognized only one general principle from Professor Keith's work: that any changes which are to be made in the legal *status quo* in relation to certain subjects would have to be accomplished by acts of the British Parliament. These subjects are: (1) disallowance and reservation, (2) the extraterritorial operation of Dominion legislation, (3) the over-riding powers of British legislation laid down by the Colonial Laws Validity Act of 1865, (4) the right of Great Britain alone to legislate on royal titles and the succession to the throne, and (5) the making of basic changes in Merchant Shipping and Colonial Courts of Admiralty Acts. The acts of Par-

¹ *The Sovereignty of the British Dominions*, by Arthur Berriedale Keith. The Macmillan Company, 1929.

² Cmd. 3479 (1930).

liament covering such subjects would abolish all the past limitations of the powers of the Dominion legislatures, and would be considered the definitive and final renunciation of power over the subjects yielded to the Dominions. In the language recommended for the Imperial Act by the Report: "Be it therefore declared and enacted that no act of Parliament hereafter made shall extend or be deemed to extend to a Dominion unless it is expressly declared therein that that Dominion has requested and consented to the enactment thereof."

Only two exceptions are recommended as reservations to the full and plenary powers of the Dominion parliaments:

1. The right of disallowance is still valid in respect to any Dominion legislation "which appears to the United Kingdom to alter any of the provisions affecting the stock to the injury of the original stockholder" of Dominion public loans raised under the Colonial Stocks Act of 1900. As these loans are afforded the low rate of interest in London because of their being listed under the act of 1900 as trustee securities, into which a large volume of investment is forced by trustee acts, particularly that of 1893, the British government felt justified in insisting on the retention of the right of disallowance of any law which might "involve a departure from the original contract in regard to the stock," either for loans already existing or for those to be raised in the future. The terms of discretion as to what laws might affect colonial stocks might be very wide. Perhaps they give a power of disallowance quite as effective as that which is being surrendered though more dangerous to use.

2. A second exception was made by two somewhat ambiguous declarations which appear at first sight not to be entirely consistent: (a) the right of reservation required by specific provisions in bills dealing with particular subjects—even those dealing with "alterations of a constitution"—is declared "to fall within the scope of the doctrine that it is the right of the government of each Dominion to advise the Crown in all matters relating to its own affairs, and that consequently it would not be in accordance with constitutional practice for advice to be tendered to His Majesty by His Majesty's Government in the United Kingdom in any matter appertaining to the affairs of a Dominion against the views of the government of that Dominion." Discretionary reservation can in most instances be abolished by the Dominions already. The Report recommends that where they "need the coöperation of the Parliament of the United Kingdom

to amend the provisions of their constitutions relating to reservations, we desire to place on record our opinion that it would be in accordance with constitutional practice that if so requested by the Dominion concerned the government of the United Kingdom should ask Parliament to pass the necessary legislation."

If this is done, it will give the Dominion parliaments power to change their fundamental laws without fear of disallowance or reservation. Yet by a subsequent paragraph of Part V (which deals with the repeal of the Colonial Laws Validity Act and substantive enactments to assure that the acts of the British Parliament shall not extend to a Dominion except by request) the following declaration is recommended: "Nothing in this Act shall be deemed to confer any power to repeal or alter the Constitution Acts of the Dominion of Canada, the Commonwealth of Australia, and the Dominion of New Zealand otherwise than in accordance with the law and constitutional usage and practice heretofore existing."³

The omission of the Union of South Africa and the Irish Free State is explained by the fact that both of these constitutions are framed on the unitary principle, and that both include "complete legal powers of constitutional amendment"—although there is a warning proviso that while "in the case of the Union of South Africa the exercise of these powers is conditioned only by the provisions of Section 152 of the South Africa Act, 1909" (requiring a two-thirds majority of both houses acting as a constituent assembly to change the status of either the Dutch or English languages or the terms of the native franchise in Cape Colony), "in the Irish Free State they are exercised in accordance with the obligations undertaken by the Articles of Agreement for a Treaty signed at London on the sixth day of December, 1921."

What is the significance of these exceptions to the rule that the Dominion legislatures are as completely sovereign in the field of legislation as what used to be called by Professor Keith, "the Imperial Parliament?"

³ Cmd. 3479, p. 23, par. 66. Part v, par. 66, further denies that this proposed act is meant to authorize federal intrusion upon the right of the states or provinces in Australia or Canada. The *status quo* in this respect is to be maintained until a change is requested by the "proper authorities" in the Dominions. In a note accompanying the 1905 act for Canada, Great Britain indicated that these authorities must include the provinces. Quebec has so far blocked any sweeping changes.

The first exception, which reserves the right of disallowance for any acts violating the terms of the Colonial Stocks Acts, has a wide economic significance, as investment in Dominion public securities is one of the great remaining links of the Empire, along with British banking, shipping, and the British market for Dominion primary produce. The British investor has put nearly three quarters of a billion pounds sterling into these Colonial and Indian Trustee securities, of which the Dominions have raised fully three-fourths. Repudiation has been talked in India quite freely, and it has been feared on economic grounds by Mr. J. M. Keynes in some of the Dominions, notably Australia, because he feels that the artificially low interest secured by the Colonial Stocks Act has led to dangerous over-borrowing.⁴

But it is the constitutional importance of the exception, which Professor Keith has rightly emphasized,⁵ that must interest us here. Since it argues a subordination of the Dominion to the British legislature, even though one freely and contractually assumed, the Irish Free State has raised its own loans either in New York or in the Free State, apparently with as much success as the other Dominions do in London, and so has escaped coming under the restrictions of the Colonial Stocks Act. A more interesting, and an unnoticed feature is the light which this reservation throws on the Balfour Report's claim that the governor-general would cease to be "the representative of His Majesty's Government in Great Britain." Presumably it would be the duty of the governor-general to announce to the Dominion that the royal assent has been withheld to any act considered to violate the Colonial Stocks Acts, and to that degree he would still act as a servant of the government of the United Kingdom.⁶

⁴ Though he does not single out Australia, it is clear that Australia has sinned most. In the spring of 1930 it became clear that the city of London would not float further loans until Australia set its financial house in order. Sir Otto Niemeyer, of the Bank of England, and Professor T. E. Gregory were accordingly invited to come and prescribe remedies. Radical sections of the Australian Labor party talked repudiation, after the terms of the resulting recommendations were published, declaring that adoption of them by Australia would mean riveting on the chains of British capitalism. Even in official circles there was talk of "scaling down the war-debt" of Australia to the United Kingdom.

⁵ *Op. cit.*, Introduction.

⁶ The appointment of the governor-general is an interesting example of the mixed nature of the "Crown." Everywhere except in the Irish Free State, which suggests and practically controls the appointment of an Irishman for its governor-

As a limitation on sovereignty, however, the Colonial Stocks Act is, juridically considered, similar to that which was accepted by Germany under the Dawes Plan. There is at least a technical element of freedom in the acceptance of a servitude in each case. In terms of fact rather than law, the real sanction lies in the power of the City to refuse further loans.

The second reservation as to the retention of the constitutional *status quo* in the federal division of powers in Australia and Canada could only be used against an unconstitutional Dominion act after a court decision. But a decision of what courts? The Canadian and Australian, in the first instance, with a possible appeal in the former to the Judicial Committee of the Privy Council by special leave; in the latter, without any such further appeal, since the Commonwealth has given its High Court complete powers under a permissive section of the Constitution Act of 1900 to deal with all constitutional points concerning the *inter se* divisions of power between the states and the Commonwealth. The Judicial Committee of the Privy Council would also be available in New Zealand for legislation *ultra vires* the Constituent Act to accomplish what can no longer be done by reservation or disallowance. In none of these Dominions is there official sanction for the agitation to abolish the appeal to the Privy Council, in spite of the delay and expense involved.

But the Judicial Committee has ceased, in practice, to hear appeals from the Union of South Africa, and it has been openly defied by the Irish Free State. The latter government has passed nullifying legislation to prevent its decisions, if unfavorable, from being carried out.⁷ The Report seems to recognize the unsuitability of the

general, the practice is for the Dominion Office or the prime minister of the United Kingdom to submit several names to the Dominion concerned, usually with at least one peer. The king's personal influence is often felt in the list, and the Dominions almost invariably choose a peer. Canada is said to have indicated a desire to have Lord Willingdon's name suggested, though it was not on the original list. Mr. Scullin, Labor premier in Australia, recently broke all precedents by announcing that he had advised His Majesty to appoint Sir Isaac Isaacs, the Chief Justice of Australia, to be the next governor-general. So far, no appointment has been made.

⁷ First on the appeal in *Lynham v. Butler* in 1923 (the case was never heard), and lately in the case of *Performing Rights Society v. Bray Urban District Council* (1930). See *Times Law Reports*, April 19, 1930. No costs have yet been awarded.

Judicial Committee as at present constituted, with its predominantly British judges, to bear the burden of disputes which will no longer be so much constitutional as international in character. It suggests, therefore, the creation of a new Imperial tribunal, for the *ad hoc* arbitration of disputes between governments of the British Commonwealth, with standing panels of Dominion as well as British judges.⁸ This suggestion is clearly aimed at a compromise which will permit the Irish Free State to utilize a court within the Empire rather than to make its effort to secure the right, claimed by its signature of the Optional Clause without reservations, to invoke the Permanent Court of International Justice for its disputes with England. Great Britain and the other Dominions signed the clause, however, with a reservation as to *inter se* disputes aimed at preventing just such action.

As the proposed tribunal's jurisdiction would extend to "justiciable issues arising between governments," it would not apparently supersede the functions of the Judicial Committee of the Privy Council in hearing private appeals by special leave. No doubt this issue, which proved too difficult for the last Imperial Conference,⁹ will be settled in the 1930 Conference. But as reservation and disallowance have practically disappeared, the Judicial Committee of the Privy Council itself would be a broken reed to lean upon. Nothing but a constitutional convention, recited in the preamble of the proposed acts, would impose unanimity. In strict law, therefore, the royal prerogative itself might be altered by a Dominion act.

The complicated question of nationality provides more matter for reflection than almost any other of the problems of the new Empire. If the unity afforded by the Crown were only that of a personal union, such as United England and Scotland under the Stuarts, all subjects who were born owing allegiance to the king would be natural-born British subjects under the doctrine of Calvin's Case; and that was also the situation for Hanover, in respect to some at least of a British subject's privileges. [Isaacson v. Durant, 17 Q.B.D. 54, (1886).]

But the naturalization of aliens to be British subjects implies a difficulty. Professor Keith has claimed that the British Nationality and Status of Aliens Act of 1914 was applicable in strict law to all

⁸ Cmd. 3479, part VII, par. 125, p. 41.

⁹ See Cmd. 2768 (1927).

the Empire without being re-enacted by the Dominions, though he does not question the "constitutional" propriety of the latter step.¹⁰ Nor does he offer to define the status of those persons who were not covered by Dominion acts until from seven to thirteen years after the passage of the British act. Whatever was the case in the past, it is clear that "legislation based upon common agreement" will be necessary for conferring any common status.¹¹

Apparently this leaves the way open for the Dominions to agree that a British act will be competent to change this status, as indeed they may leave everything else with Great Britain by individual voluntary action. But since the trend of practice is already so strongly toward concurrent or reciprocal legislation, any changes will almost certainly require unanimous adoption of the same measures. These, indeed, are recommended in the Report in paragraph 77 for nationality, and 80 for the uniformity of prize law and the coördination of prize jurisdiction. Alteration in the existing law of fugitive offenders, foreign enlistment, and extradition should also be made only after consultation and agreement, wherever the latter is possible.

Newfoundland will cease to figure as a Dominion hereafter in official acts, by virtue of an amendment to the Interpretation Act of 1889, recommended by the Report; so that one more anomaly disappears.¹² In any future changes in the laws governing royal style and titles and the succession to the throne, all the Dominions must agree. This, though it acknowledges equality of interest, practically stereotypes the indivisible crown.¹³

The right to legislate with extraterritorial validity is to be conceded to the Dominions in as full a measure as it exists in the United Kingdom.

In matters affecting merchant shipping legislation and colonial courts

¹⁰ *Op. cit.*, p. 64.

¹¹ See the Report (Cmd. 3479), part v, par. 76-79, p. 25.

¹² *Ibid.*, part v, par. 81, p. 26. Newfoundland is proud of being "the oldest colony."

¹³ *Ibid.*, part v., par. 59-60, p. 21. On his return in May, 1930, to South Africa, General Smuts had the bad judgment to try to force on General Hertzog an interpretation of this agreement on unanimous action for laws on the royal succession, etc., to the effect that it precluded any Dominion from seceding without getting unanimous consent from the others. This aroused General Hertzog to approve an amendment to the Report asserting the right of secession. *London Times*, May 22, 1930.

of admiralty the Report adopts the same principles as in the questions treated above, though it recognizes the stronger case for uniformity of legislation in these questions. The right of separate legislation is fully recognized, with the assertion that in the interests of uniformity the right must be exercised only after consultation and agreement. Whatever practical difficulties may be involved, international agreements will have to be the means used for dealing with the Dominions. A British "type act," previously agreed upon, will have to serve the same basis as an international convention does, to be accepted or not as each Dominion sees fit. Infallibly that will mean either a divergence of policy or a considerable increase in the range and frequency of consultation and suggests the necessity of an Imperial secretariat more competent than the present Dominions Office.

This Report will, in a way, create a sort of negative constitution for the British Commonwealth. It is at least a Bill of Dominion Rights and a series of limitations upon the British Parliament. Whether or not it is accepted as it stands, one can be certain that the long period during which there was a complete discrepancy between law and practice has come to a close. The negative constitution of the British Commonwealth is beginning to descend from the regions of hushed mystery into the view of the courts. Even the nature of the "common crown" may have to be submitted to analysis. The framework of unity, so far as it is suffered to remain unaltered, will depend upon the sufferance of each of six legislatures instead of one.

Yet the solution envisaged may be a far more workable, even though it is a far less simple and logical, one than that proposed by Professor Keith. It forces the future common interests of the Empire to be reached by international agreement rather than by the largely fictitious retention of an Imperial supremacy now gone forever. In internal matters, it recognizes an equality of legal status like that of a confederation or a league. As the Report itself put it: "The ground is thus cleared for coöperation among members of the British Commonwealth of Nations on an equal basis" in those matters in which practical considerations call for concerted action. This concerted action may take the form of agreements, for a term of years, as to the uniformity of laws throughout the British Commonwealth of Nations, as to the reciprocal aid in the enforcement of laws in jurisdictions within the British Commonwealth outside the territory of the enacting Parliament, and as to any limitations to be observed in the exercise of

legislative powers. Or, in some instances, certain Dominions may prefer to keep the uniformity secured by the existing forms of British legislation.

In the light of the fact that the Report has still to be adopted, and that it does not touch the constitutional side of international relations, it is interesting to examine at some length Professor Keith's claims in favor of the retention of the Imperial supremacy of the British Parliament as the only possible basis of Imperial unity. His book is not only an excellent historical summary of the Dominions' external relations and their bearing, as well as of Dominion autonomy; it is also a clear-cut statement of the issues which the Imperial Conference of 1930 must face, whether it likes doing so or not—many of which are not covered by the Experts' Report.

According to Professor Keith, the government of the United Kingdom, whatever practical concessions it may make to the Dominions, can never be on a status of equality with them, since the Parliament of Great Britain can never bind its successors. Even should it concede the secession of a Dominion (which it has, he thinks, no constitutional right to do), its successor could bring that Dominion back under Imperial control with all the legal finality of Pitt's Act of Union for Great Britain and Ireland in 1800, which paid scant attention to the "forever" in the British acts of renunciation of control in 1782-1784. As a corollary, not only does the principle upon which the Colonial Laws Validity Act of 1865 rests remain immutable, but the power of disallowance over Dominion acts which contravene existing imperial legislation or their constitutions has not been surrendered in the royal instructions to governors-general. So long as it is retained in principle for any one type of acts, it can be used at need and broadly. And what, he asks, can we expect if the Dominions are to be empowered to endanger the loans guaranteed by Joseph Chamberlain's Colonial Stocks Act? Or to violate the constitutions from which each of their parliaments derives its (legally) limited competence? Here the Conference on Dominion Legislation appears to support him, so far as reservation and disallowance are concerned, on the first problem, but not on the second. Finally, it is clear to Professor Keith that in no single instance, again in the face of the "exaggerated" language of the Balfour Report, can Dominion governments directly advise the king. Any advice to His Majesty must come from the responsible ministers of the British Parliament. The British ministers

are not merely channels of communication. They are ultimately responsible for every royal act, such as the release of the Great Seal, for the full powers issued to plenipotentiaries, and for the ratification of treaties. The matter has been brought to a concrete issue in Mr. Scullin's attempt to advise the king to appoint Sir Isaac Isaacs governor-general of Australia.

It is clear that these limitations, if they in fact exist and continue to exist, do render affirmations of equality of status somewhat rhetorical. Nor is inequality and subordination made less real by talking of difference of status or of function, on which the latter part of the Balfour Report laid stress. The fact is, Professor Keith thinks, that the Dominions, while enjoying a measure of autonomy over their internal affairs, and the right of separate membership in the League and of legation in foreign capitals, do so on the sufferance of the British Parliament. They may refuse to coöperate in carrying out treaties or in taking an active part in war. But they are legally subject to overriding parliamentary action from Great Britain, as Canada had to admit after refusing to ratify the Lausanne treaty. Finally, the Dominions cannot assert the legal rights of neutrals, whatever General Hertzog claims, in the event of Great Britain becoming involved in a war. Note that many of those claims would still remain, even if the present Imperial Conference accepted the legal experts' report and Parliament passed the needed legislation.

In foreign relations, therefore, the unity of the Empire is maintained by legal forms, not simply by the agreement on prior consultation which rests only on a constitutional convention that the 1923 Conference laid down and the 1926 Conference further elucidated. Indeed, Professor Keith regards the mere agreement on consultation as of doubtful validity, for he holds that the agreements reached in Imperial conferences have no validity in constitutional law, except in so far as they are implemented by the various parliaments of the Dominions and the United Kingdom; and he points out here that only the Union of South Africa has formally approved the 1926 Report. But stronger than the slender reed of agreed-upon consultation is the formal legal control which is always retained by His Majesty's advisers in the United Kingdom. They may be trusted not to interfere except in a most extreme case. But the constitutional and legal power is always there, at need.

In this matter he obviously sustains the same general attitude as

that taken by Corbett and Smith in *Canada and World Politics*, and by Mr. Latham, the attorney-general in the Bruce cabinet, in *Australia in the Commonwealth*. He does not agree with the late C. D. Allin, or with President Lowell, who hold that in practice the British government was only a channel for the advice which is tendered by the Dominion governments, even in treaty matters—a position with which Mr. P. Noel Baker seems to be in general agreement in his *Present Juridical Status of the British Dominions in International Law*. He will not allow Sir Cecil Hurst to be right in saying that the Crown acts on the advice of Canadian or other Dominion ministers, a statement which Mr. MacKenzie King relied upon in the Canadian Parliament. And naturally so extreme a statement as Professor Smiddy's, that the Dominions are bound together with England only by allegiance to the *person* of the king, he treats as sheer nonsense. Certainly the legal position is simpler, on Professor Keith's reading, for it does not put upon the king the invidious necessity of having to decide which advice he must constitutionally act upon in case of conflicting views. Conflicting advice to the Crown is impossible if the British ministers can alone advise the king directly. What Professor Keith perhaps does not adequately recognize, however, is that if the Dominions were substantially independent in a personal union there would be no legal conflict involved in entirely separate action by each of them. That personal union does not yet exist. But the relationship, if it were created and recognized, might be an entirely workable means of securing the ends presently aimed at.

There is also this to be said for the forthright examination of the position along the lines that Professor Keith has chosen. It has been British tradition in this matter to hurry over or to evade the issue, with the warning that the ultimate question had better not be raised. The Crown was like a sacred mystery for which British statesmanship was kept busy devising Athanasian creeds like the Balfour Report. But if the Dominions are to be put off with a phrase like "equality of status," and allowed to proceed normally upon the assumption that they *do* have the right to advise the king *on the same terms as British ministers*, the strain that might be put upon the Imperial connection by reviving, in order to bring them to heel, obsolescent legal formulæ which had been carefully kept in the background might be very grave indeed. The same sort of tactics were employed with the American colonies after 1763. Consequently, it may be the part

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of wisdom to have the nature of "the Crown" clearly understood, if it is not merely a personal union which binds the Dominions to a common allegiance. In talking with ministers of the Crown, both in England and in the Dominions, I have myself been struck by a general vagueness in their ideas of the juristic status of the Crown in the Dominions which led to startling differences of opinion as to the present equal rights of the Dominions in constitutional as well as in international law. Dominion ministers frequently assert their right to legal neutrality, meaning only passive belligerency. But they all appear to believe that their right to advise the Crown does not depend on British sufferance.

The present system, as Professor Keith interprets it, is flexible to such a degree that the Imperial Parliament can always yield in practice to grant what a Dominion asks. Even a little vagueness may be useful, he thinks, despite his own efforts to clear up the outlines. On the other hand, Parliament in Great Britain can also, should necessity arise, assert its right to act for the Empire. It permits Dominion action in the sphere of exclusively Dominion interests. And by adopting a procedure like that of the Locarno treaties, it frees the United Kingdom from the annoyance of the *liberum veto* system of having to have *all* the Dominions sanction every British action that may conceivably in any way involve them. For this reason, too, the form of treaties, such as the projected one with Egypt, is made in the name of the king only in respect of Great Britain and Northern Ireland, since Canada objected to being included under the old form which committed the entire Empire. To Professor Keith there is small difference. Great Britain acts; the rest must follow.

No doubt there are several points on which this legalistic thesis will be challenged by his critics. But short of something approximating a juridical (if merely a symbolic) personal union, it is difficult to see how an alternative legal system can be created that will not have the aspects of a rigid confederation without the machinery to act. And if the personal union be chosen, the Crown will either be forced to act on the king's own discretion in determining which advice to accept, or it will have to permit separate, and perhaps conflicting, views to be followed in practice. In short, since personal discretion in a modern monarch for the whole Empire is unthinkable, the only alternative would be a league of states with a common but symbolic Crown. The report of the legal experts rejects Imperial supremacy,

but attempts to avoid going so far as a personal union by making the Crown an indivisible one whose nature can be constitutionally altered only by unanimous consent—a confederation. Yet it is willing to rest this agreed unanimity upon an *entente* rather than on strict law, since the power of disallowance is to be yielded.

As Professor Keith takes international law with the same seriousness that he does constitutional,¹⁴ he would admit the end of parliamentary sovereignty over the Dominions if the Report of the 1926 Conference had any international validity. But he urges that it has not been communicated to foreign governments as a declaration of the independent status which Hertzog demanded. And he notes that foreign governments must continue to look to Great Britain for the major responsibility for all treaties. He admits to some puzzlement in finding that the Dominions (and even India) are full international persons in the League, but not out of it. On his own reasoning, they are not fully responsible states anywhere, for all the Dominions would share with India the characteristic of being legally subject to Imperial control.

In this respect he perhaps hardly does justice to the efforts to bring League practice into conformity with the new form of signature for treaties. Mr. Henderson's declaration in signing the Optional Clause on September 19, 1925, at Geneva,¹⁵ might be said to have been the communication to League members of a brief summary of the 1926 Report's most vital points, to say nothing of repeated references to the new status by Sir Cecil Hurst and others in League committees. The notes accompanying the letters of credence issued to Dominion ministers in foreign capitals also serve notice of the change. British plenipotentiaries now no longer carry full powers that would commit the Dominions as well. Yet one must remember how different the positions of the several Dominions are in fact before subsuming them under any legal status of general subordination or general independence. Newfoundland is not a Dominion in the same sense as is Canada.

¹⁴ He is even prepared to see in the fact that the Dominions have ratified the Kellogg Pact without reservations a possibility, taken in conjunction with their legal status in the League (where he allows them the full international personality otherwise denied), of asserting legal neutrality should Great Britain herself ever go to war in defense of the British "Monroe Doctrine" asserted by Sir Austen Chamberlain. *Op. cit.*, pp. 469-470.

¹⁵ Cmd. 3352 (1929). See the author's "Riddle of the British Commonwealth," *Foreign Affairs* (American), April, 1930.

"Dominion status" for India, when or if it is ever granted, will certainly mean something far different from Dominion status for Canada. Foreign states are thus put under the embarrassing necessity of determining how far each Dominion is an international person.

Judicial Expansion of the Constitution of the British Commonwealth. Professor Keith's work will no doubt soon be out of date as a statement of legal fact, once the next Imperial Conference and the British Parliament have acted on the Experts' Report. It is possible that even now he misreads the importance of the precedents he quotes. It may be that, whatever the Balfour Report was intended to do politically, it has actually made impossible any such constitutional supremacy of the British Parliament as Professor Keith relies upon. Declarations arrived at in Imperial conferences, in view of Canada's joining the pressure from the Irish Free State and the Union of South Africa, which elicited the 1923 and the 1926 resolutions, will perhaps take on the character of controlling principles to further development. They may even influence judicial decisions, if a reorganized Judicial Committee including Dominion judges should ever be entrusted with the difficult task of expanding the Constitution. Indeed, if one sticks too closely to the law of the courts, the British constitution itself is unintelligible, and the Judicial Committee of the Privy Council has more than once tacitly accepted this fact by decisions based on "loose construction."

Professor Keith himself does not favor judicial interpretation as a method of extending Dominion powers, in the way that M. Lapointe has hoped might be the case for Canada. Here one may take the very issue of the Colonial Courts of Admiralty Act of 1890, any contravention of which (along with Imperial shipping acts) would, according to Professor Keith, justify disallowance: it is precisely here that the court has exercised what looks like a "loose-constructionist" attitude. It is odd, therefore, that Professor Keith is curiously complacent toward the dictum of Lord Merivale in the *Yuri Mara* Case: "what shall from time to time be added [to the jurisdiction of colonial courts] or excluded is left for independent legislative determination." And this broad construction is surpassed by Professor Keith's own remarkably inconsistent argument that this dictum justifiably puts the increase of Canada's jurisdiction, not on "special authority given by the act of 1890, but as a part of her sovereign legislative authority."

In point of fact, the Judicial Committee of the Privy Council,

apart from its narrow and probably wrong construction in the appeal of the Wiggs and Cochrane Case,¹⁶ has already embarked on the broad constructionist attitude. The decision that women may, under the British North America Act of 1867, be deemed eligible to the Canadian Senate, a point which even M. Lapointe (former Canadian minister of justice) thought would require the sanction of an Imperial act, has been handed down since Professor Keith wrote. It was based on the changed conditions since the passage of the act of 1867.¹⁷ But where the Judicial Committee has taken a strict constructionist view it has endangered its own acceptance by the Dominions, as in *Nadan v. the King*.¹⁸ It cannot long control parliaments which are coördinate in their powers with the parliament of the United Kingdom in all matters which are of domestic concern.

If the alternative to this view, a gradual approach to the juristic status of a personal union, with a greater reliance on joint legislation as in international conventions, is not adopted by the British Commonwealth of Nations, quite probably the technique of judicial review will play an increasing rôle. For in a way, Professor Keith's attempt at arresting the development of Dominion nationalism, even by so flexible a scheme as he has described, is a sort of federalism in which the legal limits on Dominion competence will have to be expanded by judicial review if the principle of the Colonial Laws Validity Act, or indeed any other rigid framework of limiting Dominion legislatures, is to be insisted upon. But it is difficult to see how such a court as that anticipated in Cmd. 3479 (1930), with its panels of Dominion as well as British judges, could be other than an *ad hoc* arbitral body for disputes between governments. And the Judicial Committee of the Privy Council in its present form hardly commands enough confidence in the Dominions for the larger task.

The Present Machinery of Consultation. The suggestion that the work of the Dominions Office could be profitably turned over to the

¹⁶ A.C. 1927, p. 674. The British Government agreed with the Irish Free State that the Treasury Minute had been wrongly construed by the Judicial Committee. The Irish Free State technically accepted the decision by paying the civil servants the increased compensation in question, but the British Treasury footed the bills.

¹⁷ A.C. 1930, *Henrietta M. Edwards et al. v. Atty. Gen. of Canada*, raised by an advisory opinion of the Canadian Supreme Court under Section 24 of the British North America Act of 1867.

¹⁸ A.C. 1926, p. 486. This decision, declaring a Canadian statute *ultra vires* as an infringement of the prerogative right of appeal, raised a storm.

Foreign Office, for which the former acts largely as a post-office in respect to international relations, and that the rest of the work could be devolved upon the prime minister, with secretarial assistance, accords very oddly with Professor Keith's own estimate of the existing amount of legal control over the internal sovereignty of the Dominions. If constitutional issues are not to decrease in importance, the Dominions Office still has a function. There is good ground for criticizing the operations of both the Dominion and the Colonial Office by a single minister, as the past practice has been.¹⁹ But on the other hand, the prime minister is in no position to add to his burden. Professor Keith complains, quite properly but somewhat illogically, at the practice in the Dominions of having the prime minister, overburdened as he is, act as Secretary for External Affairs. An alternative to his own suggestions would be to create a sort of Imperial secretariat, entirely outside the machinery of the British government, but for which the Lord Privy Seal or the Lord President of the Council might act as the link with the British cabinet by taking over the machinery now vested in the Dominions Office, and perhaps devolving some of it on the Foreign Office. The two organizations would have, of course, to be entirely separate, the former probably modelled upon the League. The Dominions Office would still have to be retained, whatever it were called, for communications to the Dominions.

Possibly, too, he underrates some of the utility of the high commissioner in Canada and the new British representative for quasi-diplomatic purposes in South Africa, and overrates the diplomatic utility of the Dominion high commissioners in London. The problem is largely one of personnel and of the tradition of using diplomatic agents. But it is the complaint of the Foreign Office that the high commissioners in London do not keep actively in touch with British foreign policy. Although they are supplied with copies of despatches on current developments, they are too busy with trade and other inter-imperial matters to take more than an observer's interest. Moreover, they do not sufficiently possess the confidence of their own governments to act.²⁰

¹⁹ This arrangement has now been terminated by the appointment of Mr. Thomas to hold the single office of Secretary of State for Dominion Affairs.

²⁰ I do not profess to understand a mysterious deference to the function of "the British High Commissioner in the United States" as the future agency for establishing personal contact between the Dominion and Imperial governments (pp. 485-486).

It is not quite accurate, either, to suppose that coöperation abroad always works automatically. For some years it was not true that "citizens of the Irish Free State in the United States are entitled to the full support of the British consular service, despite the fact that they have an Irish Free State minister at Washington, who, of course, has no control over British consuls, but through the British ambassador is assured of their cordial assistance" (page 447). This is slightly mistaken, since those persons who are described on their passports as "citizens of the Irish Free State" (with the addition of "and of the British Commonwealth of Nations") are not recognized as being entitled to consular aid from the British service unless they exchange their passports for those marked regularly with "British subject." This has caused difficulty for several years, and was one of the reasons for the Irish Free State Passport Control, which has effectively settled this controversy by a compromise formula agreed to early in 1930.

Although there is a formal budgetary attachment of Major Casey (the Australian liaison officer to the government of the United Kingdom for foreign relations) to the Department of External Affairs in the High Commissioner's Office (page 480), he is certainly not really a part of the high commissioner's staff. In order to fulfill his duties as a sort of "way-station" for all official confidential documents on foreign policy, he is attached to Sir Maurice Hankey's cabinet secretariat staff and housed in the Whitehall Gardens home of the Committee of Imperial Defense. His relations are of so highly confidential a nature that he can naturally communicate only directly to his prime minister through his despatches. As this officer was appointed because of his peculiar qualifications, including an intimate friendship with Mr. Bruce, it may not be so easy for Canada to work the same arrangement, as she seems to contemplate doing. -

This type of liaison work naturally gets short shrift in a book on *The Sovereignty of the Dominions*, written primarily from the point of view of constitutional law. While one must admire the compact and accurate summary of the constitutional development of the British Dominions which Professor Keith has offered, the omission of the consideration of the functional side of coöperation gives a false emphasis. In order to secure real Imperial unity, it will be necessary to have more experiments of this nature, more effective consultation, and the growth of coöperation along political lines by sub-conferences and

by meetings of the Empire Parliamentary Association, and along economic lines by coöperation of the sort foreshadowed by the research of the Imperial Economic Committee, and of the Imperial bureaus and committees which are pooling research.

For the internal organization of the Empire there also seem to be sound suggestions afforded by the League. There might quite well be a yearly Council meeting of the British League of Nations, supplemented by a meeting in London of the Dominions' delegates to the Assembly of the League, with the prospect of strengthening the personnel in a way advantageous to Dominion representation in both places. Only two or three weeks or a month for a conference in London would need to be added to the time spent at Geneva each year. And as constitutional issues become less weighty and external affairs more important, the ministries of external affairs may fall, as they have in the Irish Free State, into competent hands, even if the prime ministers who now hold these ministries in the other Dominions cannot themselves come to these yearly conferences. The growth of such services as the Imperial Shipping Committee, the Advisory Committee on Imperial Communication, the Empire Marketing Board, the Agricultural Bureaus, the Imperial Institute, and a host of other Imperial services in London will mean, perhaps, the eventual necessity of an organ of control and coördination like the present Imperial Economic Committee, representative of the Dominions as well as Great Britain, with a secretariat at its disposal like that of the League, instead of the present inadequate attention of the Dominions Office, supplemented by sporadic assistance from the Board of Trade and other departments. The British Foreign Office and Consular Service are too efficiently organized at present, and are too easily available to the Dominions, to warrant much change in their relationships. But if only the yearly Council meetings were organized to review Imperial foreign policy and inter-imperial relations, a step would have been taken in the direction of developing more effective consultation.

Unless something of this sort is done, coöperation on an Empire basis is hardly likely to develop. There is no hope, in any case, of extensive economic coöperation. Under the existing system, the Dominions have small incentive to assume even joint diplomatic responsibility. Perhaps Great Britain may prefer the existing arrangement for reasons of prestige and unity of control. If she does, the tendency

toward a still greater lack of cohesion in the British Commonwealth may be expected to develop further as natural divergences of economic interest become more important. An indivisible Crown may prove in the end more burdensome than the alternative of independent kingdoms united by an *entente* symbolized by the common king.

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The German Reichstag Elections of 1930. Casting the largest popular vote yet recorded in any election in Germany, the German people elected on Sunday, September 14, 1930, the fifth Reichstag under the Weimar constitution.¹ Using Article 48, the Brüning government had put into effect certain emergency measures which it considered necessary to alleviate the existing economic situation. But when called upon to pass upon these decrees, the Reichstag rejected them; whereupon the President, on the advice of the cabinet, dissolved the Reichstag and ordered new elections.

The campaign occurred in a time of serious economic depression. Nearly three million unemployed persons were in receipt of government relief, either national or local. Taxes had been increased, salaries decreased, and there was widespread dissatisfaction. The government headed by Chancellor Brüning, from its inception a minority cabinet, appealed to the country to return to power with increased strength the parties which had given it support. On the other hand, the government was severely attacked by the Social Democrats for its use of Article 48; by the Nationalists because of its support of the Young Plan; by the Communists on general principles; and last, but not least, by the National Socialists led by Adolf Hitler, not on general principles, but without any principles at all! In many respects this election resembled the May election of 1924 more closely than the election of 1928.

Not only was the election of critical importance to Germany and the world from an economic point of view, but it was also of great moment in the evolution of German political parties and democratic institutions in general. A number of facts in connection with the election are worth noting before the significance of the result is indicated.

The popular vote deserves first attention. There were 35,224,464

¹ Landtag elections occurred simultaneously in Braunschweig.

ballots cast, 267,741 of these being invalid.² The total number of qualified voters was 42,972,851, so that it can be seen that the voting record was eighty-two per cent. This compares with 75.6 per cent in 1928, and is exceeded only by the voting percentage for the National Constitutional Assembly in 1919, which reached 83 per cent. Under the German fixed quota of one seat for every 60,000 votes, the number of members has jumped from 491 in the fourth Reichstag to 577 in the newly elected fifth Reichstag.³ The increased membership has occasioned no small concern in the matter of seats in the hall of the Reichstag.⁴

Another reason for the increase in the membership of the Reichstag is that fewer votes were wasted on the so-called *Splitterparteien*. In this election, 413,000 votes were cast for parties which did not secure a seat, a figure but half as large as that of 1928.⁵ This diminution in the support given to small parties is due partly to the fact that fewer parties were entered in the election than in 1928. This year, 24 Reich lists were entered, as compared with 30 in 1928,⁶ and 565 district lists as compared with 646 in 1928.⁷ It is to be hoped that the tendency just noted may continue, so that Germany may concentrate her political activity in a relatively small number of powerful parties.

² In several German cities, the votes of men and women were counted separately. This was true in Cologne, Wiesbaden, Frankfurt, Bremen, and Berlin. The figures show as good a voting percentage for women as for men, with approximately the same political tendencies among the women as among the men. A slight difference was noted in the stronger support given by women to the so-called confessional parties.

³ The new Reichstag has six more women than held seats in the previous body. There will be 39 women in the new parliament: 16 Social Democrats, 13 Communists, 4 Centrists, 2 Nationalists, and one each in four other middle parties.

⁴ Only the members oldest in point of service, together with the party leaders, will now have their own desks. The remaining members will sit on benches similar to those in the House of Representatives at Washington.

⁵ One of these parties called itself "Party against Alcohol," and received 1,172 votes.

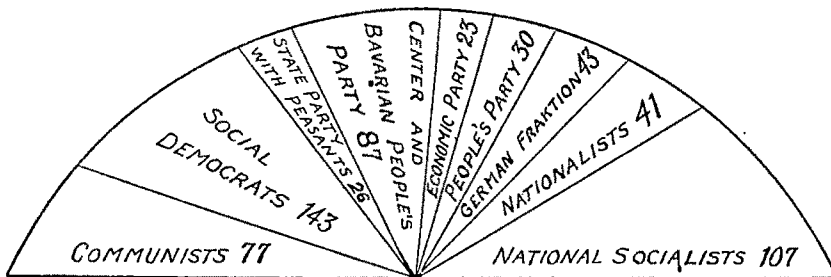
⁶ Eighty-nine members were elected to the Reichstag from the Reich lists of the various parties. The German politicians call the Reich list the "Hospital Schiff."

⁷ A party cannot have a Reich list without having a district list, and not every party enters a list in each of the 35 electoral districts into which Germany is divided for electoral purposes. A district had on an average 16 lists, the number varying from 13 in Mecklenburg to 22 in Berlin.

The proposed new electoral law which will be brought before the new Reichstag will, if adopted, also help in this direction.⁸

The parties received the following seats: Social Democrats, 143; National Socialists, 107; Communists, 77; Centrists, 68; Nationalists, 41; People's party, 30; Economic party, 23; State party (formerly Democrats), 20; Bavarian People's party, 19; German Land party (Schiele group), 18; Christian Social People's party (Mumm group), 14; German Peasants' party, 6; Conservative People's party (Trevisan group), 5; German Hanoverians, 3; and Land Union, 3.

This enumeration paints a somewhat exaggerated picture, for by virtue of arrangements made before and after the election, the Land party, the Christian Social People's party, the Conservative People's party, the German Hanoverians, and the Land Union have united to form "Die Deutsche Fraktion," making a total vote in the Reichstag of 43, and reducing materially the number of parties. It is also expected that the German Peasant's party, which is liberal-minded, will join with the new State party. Likewise, it is understood that the Center party and the Bavarian People's party will re-unite, thus making themselves the third largest party. The Reichstag will then appear as follows:



It is easy to see that the elections have created a truly difficult parliamentary situation. On both extremes there are no less than 184 out of the 577 members who refuse to coöperate with any government—except, of course, on terms which no government could accept. The remaining 393 members are divided seven ways, and out of these 393 a government must be constituted which can command at least 289 votes. It is impossible to think of the 41 Nationalists working with the Social Democrats, and it is difficult to conceive how the

⁸See the description of this proposed law, written by Dr. Georg Kaisenberg, in *Deutsche Juristen Zeitung*, Heft 18, S. 1153-1157.

"Deutsche Fraktion," the Economic party, and the People's party will be able to do so. But space, as well as an abundance of caution, prevents a treatment of this difficult and involved problem here. It is sufficient for present purposes if it is understood that the elections of 1930, instead of helping the Brüning government, have made its road more difficult. Whereas before the election the parties supporting the government had just a few votes short of a majority, now they are in a hopeless minority. How they can proceed under *regular* parliamentary conditions without Social Democratic support, not to mention cabinet membership, for the Social Democrats, is difficult to foresee. With Social Democratic support, the present governing parties would have 350 votes, ample for all essential purposes. But such a broadly based coalition is fraught with many trials and tribulations. Parliamentary government with a multi-party system is verily a riddle which even the German politicians themselves are not always able to solve.

The Brüning government, which did not resign after the elections, has declared its intention of putting through its program with or without the Reichstag. If the Reichstag, which meets on October 13, should refuse to support the government's program, the cabinet will ask the President to adjourn the Reichstag. This is one way of achieving its purposes, and no one can tell what the final outcome will be.

The election was noteworthy in a party sense in that it marked the beginning of another stage in the evolution of German parties. The former German Democratic party becomes the new *Staatspartei*. Playing on the name of the leader of the party, Dr. Koch, one wit remarked that the party "had the old cook but used a new sauce." This witticism is not altogether accurate, for by joining with the *Jungdeutsche Orden*, one of the more important of the German associations, the former Democratic party gained many conservative-thinking members, and, contra-wise, lost some members, notably Anton Erkelenz, to the Social Democrats. The new party, however, is unmistakably a liberal party, and without doubt a strong constitutional party.

The seceders from the Hugenberg-controlled Nationalist party, led by Treviranus and Graf Westarp, formed a new Conservative People's party. But the election torpedoed their frail craft, which was unable to make headway against the strong party machines on right

and left. Whether the party will die forthwith or whether it will give its name later to a new Conservative constitutional party remains to be seen. The new "Deutsche Fraktion" formed for parliamentary purposes may well be the precursor of a new party. Minister Schiele's venture in the elections with the *Reichslandbund* as a separate party could have led to a genuine Agrarian party. But it now appears that this powerful agricultural association will not maintain itself as a separate political party, but will either remain merged with the "Deutsche Fraktion" or join with the Nationalists. The same can be said for the group led by Herr Mumm, known as the Christian Social People's party, or Evangelical Movement.

The most outstanding feature of the elections was the unprecedented gains of the National Socialists led by Adolf Hitler and Dr. Goebbels.⁹ No party under the Weimar constitution has had such an enormous increase in its parliamentary representation. The party jumped from 12 to 107, a 664 per cent gain! It is not difficult to explain why it gained. But it is very difficult to explain why it gained so much. No observer gave it more than half as many seats as it actually secured. But conditions were propitious to its type of demagoguery, and despite very stringent police restrictions, the party conducted a whirlwind campaign. Amply financed, apparently by certain business circles which thought that the National Socialists would be the best check-mate to the Social Democrats, the party put its propaganda across most effectively. Its campaign talk was the sheerest drivel. Never—even at home—have I heard such blithering nonsense. Its leaders talked of the "Third Reich," a confused mystical conception, where there will be no capitalists, no trade unions, no exploitation, no Jews, no negroes. With the utmost violence at times, always with hot emotion, they pelted the poor, kindly German middle classes, where they secured most of their support, with cheap and vulgar but entrancing words. And now that they have won such a great victory they are utterly bewildered as to what to do next. They demand, not the places in the government where the real work has to be done to improve conditions, but rather the ministry of the interior, which controls

⁹ The complete German name of this party is *Nationalsozialistische Deutsche Arbeiterpartei (Hitler Bewegung)*. Of course it is not a workers' party, although it has tried to allure workingmen into its ranks. See an analysis of the party's representatives in the new Reichstag which appeared in *Der Abend*, September 17, 1930, Number 436.

the police, and the war ministry. With these offices in their hands, Germany would be safe and no longer enslaved!

The only other party that made substantial gains was the Communists, who realized a relative gain (that is, relative to the increase in the size of the Reichstag) of 22 per cent. The party is now the third strongest in Germany. Obviously, a time of exceptional unemployment was good for this party, and as long as the Social Democrats continue to believe in their own self-sufficiency, the Communists are likely to extend their gains. The Social Democrats lost exactly the percentage the Communists gained, but they remain, as they have remained since the Revolution, the largest and strongest party in Germany. The Catholic Center, led by the Chancellor, fared quite well; the People's party was hardest hit.

In a word, the election gave effective expression to the real feelings of the generality of Germans, even though it may reflect on their political intelligence. As Otto Braun, the able minister president of Prussia, put it: "The majority of the radical voters voted for the extreme parties because they wanted to experiment to improve their personal situation." But this experimentation, although understandable as a protest, came dangerously near to being a genuinely reactionary movement, and it has rendered parliamentary government more difficult. It may thus tend further to discredit democratic institutions. The atmosphere created by the elections is not healthy. It is filled with pessimism, doubt, and uncertainty. The situation is even dangerous, for there is not an opposition, as in England, which, on the basis of the existing constitution, is ready to take office and carry on. Clearly the difficulties *can* be resolved, and the best opinion is that a way will be found to deal intelligently with the Herculean tasks awaiting settlement. There is certainly no immediate danger of a crisis, and there is little chance for a "Putsch." But he is a real optimist who is ready to be happy over present and near-future prospects in Germany. The situation today is certainly not as critical as in 1923 and 1924.¹⁰ But the facts must be faced. When a Chau-

¹⁰ Then Germany appeared to be on the brink of ruin, with her currency worthless, her industrial area occupied by foreign troops, and her international prestige gone. In the May, 1924, elections it is interesting to recall that there were elected 110 Nationalists and 33 National Socialists, together 143. This time there are 107 National Socialists and 41 Hugenberg Nationalists, a total of 148. Should the reaction—or protest, to use a milder word—be greater today than in the dark days following the inflation?

vinist, militarist party secures 6,000,000 popular votes, one-fifth of the total, and thus makes itself the second strongest party in the state, its treaty-breaking, head-smashing policy cannot be laughed out of court. If this most recent affair of so many Germans with the "Nazis" is only a passing fancy, the world need not be concerned. But if in three months or in six months, when whatever government is patched up now will be getting into deep water, a dissolution occurs, and the "Nazis" increase their strength, such a prospect will be alarming. Only "überparteiliche Arbeit" now can avoid such a catastrophe later.

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The Canadian Elections of 1930. The decisive victory, on July 28, of the Conservative party in the seventeenth general election since Confederation came as a surprise to the Canadian people. The party, which did not elect a single member in six of the nine provinces in 1921, carried six provinces decisively and in two others, Saskatchewan and Quebec, scored its greatest successes since 1911. In 1926, Mr. Bennett, the new prime minister, was the only Conservative member between the Great Lakes and the Rocky Mountains. This time he has 23 Conservatives among the 54 Prairie members. He, indeed, has more Conservative supporters in the House of Commons than any prime minister since Sir John A. MacDonald. With a majority of 28, exclusive of the speaker, over all opposition parties, he is the first prime minister in a decade to be undoubted master of the political scene (see note 1 on following page).

When Prime Minister Mackenzie King announced, on May 6, the speedy dissolution of Parliament, he may have thought that it was wise to go to the country before the trade depression had been too prolonged, or, as seems more probable, he may have underestimated the seriousness of the situation. One of his strongest supporters, the *Manitoba Free Press*, made the following significant comment the day after the election: "The manner in which Mr. Bennett played upon Mr. King's pride, combativeness, and perhaps belief in his star in order to get him in the mood to fight a battle on ground chosen by his opponents and under conditions which helped them and put him at a disadvantage will doubtless be recorded in future books of political strategy for future prime ministers." Yet Mr. King had considerable justification for his decision. The consistent Liberal Progressive

support since 1926 had enabled him to make his tenure of office productive of considerable useful legislation. The grievances of the Maritime provinces had been redressed, so far as was possible, with

TABLE 1

(Based on Canadian press returns and possibly subject to modification in one or two instances by election appeals)

The Elections of 1930 by Provinces

	<i>Lib.</i>	<i>Cons.</i>	<i>Progr.</i>	<i>Lib. Progr.</i>	<i>United Farmer</i>	<i>Labour</i>	<i>Ind.</i>
Prince Edward Island .	1	3	0	0	0	0	0
Nova Scotia	4	10	0	0	0	0	0
New Brunswick	1	10	0	0	0	0	0
Quebec	40	24	0	0	0	0	1
Ontario	22	59	0	0	1	0	0
Manitoba	1	11	0	3	0	2	0
Saskatchewan	11	8	2	0	0	0	0
Alberta	3	4	0	0	9	0	0
British Columbia	5	7	0	0	0	1	1
Yukon	0	1	0	0	0	0	0
—	—	—	—	—	—	—	—
Total	88	137	2	3	10	3	2

TABLE 2

Conservative Representatives in Quebec

(Out of a total of 65 members)

1921	0
1925	4
1926	4
1930	26

TABLE 3

A Decade of Election Results

	<i>1921</i>	<i>1925</i>	<i>1926</i>	<i>1930</i>
Liberal	117	101	119	86
Conservative	50	117	91	139
Progressive	66	23	8	2
Liberal Progressive	0	0	11	3
United Farmer	0	0	11	10
Labour	1	2	3	3
Independent	1	2	2	2

a resulting marked improvement in their economic situation. The Prairie provinces were gratified by the conclusion of negotiations which ended the long wrangle over the control of natural resources. The years of general prosperity had made possible a happy series of budget surpluses, with accompanying reductions in debt and taxation. The customs scandals were forgotten, and no contentious issues in the Imperial sphere had arisen since the Balfour Report. The danger of Progressive rivalry was waning rapidly, and two former Progressive leaders, Mr. Crerar and Mr. Forke, were members of the cabinet on the eve of the election.

In the May Day budget which Mr. Dunning, the minister of finance, presented there seemed to be a real election trump card. It catered to a variety of sentiments. The generous increase in the British preference was designed to appeal to British sentiment in Canada, to combat Conservative charges of "separatist" tendencies in the Liberal party, and to make possible wider markets for Canadian wheat by greater opportunities for British tea, china, textiles, and machinery in the Canadian market.² The important steel and iron industry was wooed with an upward revision of duties which compelled three conservative members to vote for the Dunning budget. That steadily increasing body of opinion which clamored for retaliation against American tariff duties was confronted with the steel duties and with the plan for countervailing duties, to be applied on such commodities as were affected by American tariff increases.³ To allay the rising anger of the farmer at the "unfair" competition of New Zealand butter, the duty was immediately increased from one to four cents per pound, and a new trade agreement was to be negotiated. Thus Mr. King appealed to the country on "a record of faithful stewardship," on the Liberal vision of "the great mountain peaks of Empire trade and coöperation," and urged the importance of Canada being represented at the forthcoming Imperial Conference by a Liberal government.

The Conservative party, though at first taken aback by the budget, accepted the challenge with a confidence that events justified. Since its defeat in 1926 it had undergone a marked metamorphosis with the choice of a new party leader at a national convention in 1927 and

² The new tariff schedules admitted British goods free of duty under 589 of the 1,188 items. It was estimated that the increased preferences were worth \$50,000,000 to British trade.

³ Twelve such duties came into force almost immediately on fruit and vegetables.

with the selection of a brilliant party organizer, General A. D. McRae. The new leader, Mr. Bennett, was a man of great wealth and ability. Born in the Maritimes, of United Empire Loyalist stock, but resident in the West since 1897, he had the peculiar advantage of having had no part in the election of 1917 or in the adoption of conscription—two events which, in Quebec, had been like millstones around the neck of his predecessor, Mr. Arthur Meighen.⁴ Since his acceptance of office the prospects of the party had brightened with the results of provincial elections. In 1928, British Columbia returned to the Conservative fold after twelve years of Liberal rule. The year following, Saskatchewan installed a Conservative government for the first time. In Ontario, Nova Scotia, and New Brunswick the Conservative governments had survived the ordeal of elections.

As a whole-hearted protectionist, Mr. Bennett preached economic nationalism throughout his campaign with almost evangelical fervor. It alone could restore prosperity to the farmer, the workingman, and the industrialist. Even the consumer would benefit by it. For him the Dunning budget was ludicrously inadequate against American competition and a tactical blunder before the Imperial Conference. "To grant trade preferences to another state or empire without founding the preferences on a mutually helpful treaty is unsound business, profitless, and filled with ill-will and misunderstanding." In economic policies it should be a question of "Canada first." "While I deplore and regret the difficulties and embarrassments with which British industry is struggling, I am more primarily concerned with the fate of Canada's own industrial life." He denounced both the Australian and New Zealand trade agreements and sarcastically asked in Quebec if Mr. King was prime minister of Canada or New Zealand. In his "key-note" speech at Winnipeg Mr. Bennett stressed the value of a protective tariff to widen markets and so reduce unemployment. "I will use tariffs to blast a way into the markets that have been closed to you." As a further method of meeting unemployment, which he converted into the chief issue of the campaign, he promised to call a special session of Parliament after the election, and at well-chosen centers he lavishly promised public works. With an eye to the Maritimes and Quebec, where the proportion of aged is higher, the Conservative leader favored the assumption by the Dominion gov-

⁴ Mr. Bennett did not run in the 1917 election and was not again returned to the House of Commons until 1925.

ernment of the entire cost of old age pensions, and not merely of half of the cost, as was then the practice.

Since the Canadian electoral law requires two months between the issuance of writs and the date of polling, the campaign was a prolonged one—unduly so in view of the general use of radio. Both leaders “swung around the circle” from coast to coast, Mr. Bennett travelling 14,000 miles and making 107 speeches.⁵ In the case of only two of the 245 seats were acclamations given, the fortunate members being Mr. Bourassa, an Independent from Quebec, and Mr. Gardiner, leader of the United Farmers of Alberta. The other seats were contested by 544 candidates, of whom 230 were Conservatives, 223 Liberals, 38 Progressives, 12 Laborites, 8 Communists, and 33 Independents.

The effects of trade depression, the losses in the stock markets, and the decline in wheat exports were revealed in the results.⁶ The average Canadian elector invariably ascribes prosperity to his own efforts and adversity to the ineptitude of the government. Hard times make him listen to the cry, “It’s time for a change.” In this election the voter also showed a marked preference for the two-party system. Only two Independents were elected, Labor failed to increase its voting strength, and the once powerful Progressive party, split into four factions, returned only five members, being practically wiped out in Manitoba and Saskatchewan.⁷ Excepting Nova Scotia and British Columbia, the Conservatives gained seats in every province. Their loss of five seats in British Columbia may be attributed to the strong appeal of the Dunning budget in a province with a large population of British birth, to the fear of loss of markets in New Zealand and Australia, and to dissatisfaction with the local Con-

⁵ The election was really a duel between the Liberal and Conservative leaders, although Mr. King was helped considerably by Mr. Lapointe in Quebec, and by Mr. Dunning on the Prairies. Five provincial premiers campaigned vigorously for Mr. Bennett. It is significant that Mr. Meighen took no part in the election.

⁶ Though more workers were employed than in any other year but 1929, approximately 200,000 were out of work at the time of the election. The export of wheat declined 54 per cent during the 1929-30 crop year.

⁷ Labor lost one seat in Calgary and gained one in Vancouver. However, its leader, J. S. Woodsworth, received the largest majority of any candidate in the election. No Communist was successful, and almost all lost their election deposits. Of the ten women candidates, only the veteran Miss Agnes MacPhail was successful.

servative government.⁸ The spectacular Conservative gains in Quebec were due to the careful selection of local candidates, the exploitation of the butter issue in rural seats, the large number of unemployed in and around Montreal, and the waning popularity of the Taschereau government. It is also probable that the Roman Catholic Church realized the danger of encouraging the continuance of Quebec's isolation from the rest of Canada.⁹ The Liberal party tried to avert the danger by an eleventh hour revival of the conscription bogey in the influential paper, *La Presse*, but was unsuccessful. On the Prairies, depression was severe in most of the cities, where there were 35,000 more voters than in 1926, and it was in them that the chief gains were scored.¹⁰ Finally, the Conservative party did not suffer as it did in 1926 from the unfairness of the Canadian electoral system of single-member constituencies. In that year it polled 47 per cent of the popular vote, but elected only 37 per cent of the members. It was grossly under-represented in Quebec and on the Prairies and over-represented in British Columbia. In the 1930 election it polled approximately 49 per cent of the popular vote and returned 57 per cent of the members. It is the turn of the Liberals to complain of the present system.¹¹

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⁸ Conservative losers in British Columbia included General McRae and Mr. H. H. Stevens, one of Mr. Bennett's principal advisers.

⁹ Two Liberal cabinet ministers were defeated in Quebec, Mr. Cannon and Mr. Kay. The seat formerly held by the late minister of finance, Mr. Robb, was won by the Conservatives, as was the one represented in the provincial House by Premier Taschereau.

¹⁰ Thus, of the five Liberal cabinet ministers on the Prairies, Mr. Dunning was beaten in Regina and Mr. Crerar in Brandon, and Mr. Stewart narrowly escaped defeat in Edmonton.

¹¹ According to a press analysis of the official returns, 3,898,995 ballots were cast, divided among the parties as follows: Conservatives, 1,909,955; Liberals, 1,714,860; Progressives, 30,933; Liberal Progressives, 59,115; United Farmers of Alberta, 60,924; Saskatchewan Farmer Party, 22,766; Labor, 45,302; Communists, 5,685; and Independents, 49,355.

The Liberal party polled 44 per cent of the popular vote, but elected only 37 per cent of the members. As compared to 1926, the Conservatives increased their vote by 400,000 and gained 48 seats. The Liberals polled 300,000 more votes, but lost 36 seats.

NOTES ON INTERNATIONAL AFFAIRS

The Beginnings of International Government.* *Definition and Implications of International Government.* In the preface to her *Study of International Government*, published about 1924, Dr. Jessie Wallace Hughan, an unmistakably American author, thus defines her topic: "‘International’ carries two simple and related meanings: pertaining to two or more nations, and concerning different nations in common. ‘Government’ signifies the exercise of authority in the administration of the affairs of a state, community, or society. ‘International government,’ therefore, is the exercise of authority in the administration of the affairs of two or more nations."

This is simple, short, and snappy, as are many American phrases coined for a people who are daily taught to think in headlines, to read in subways, and to worship what a clever author has called "the ideal of acceleration." As a sincere admirer of American business methods, and as the grateful owner of an American motor-car, I should be the last to sneer at the process of thinking in headlines and reading in subways, or at the cult of acceleration. But if there is one thing which cannot be profitably done in a hurry, it is abstract intellectual analysis. Let us therefore, with as much old-world leisure as the distinctly new-world estival atmosphere of Geneva will permit, consider these concepts a little more closely. The definitions we will arrive at will doubtless be less simple, short, and snappy than the above. Possibly, however, by positing while not pretending to solve what is assuredly a complicated problem, they may no less usefully contribute to its elucidation.

If, discarding all dictionaries and disregarding all academic discussion, we analyze the notion of government in the light of historical experience, I believe we shall agree that it contains two essential elements, without either of which there can be no true government. The first of these is authority, that is, the competence and ability to command and to be obeyed in the political sphere. The second is order, that is, a certain scheme, or method, or plan, to which the governed are made to conform.

* An address delivered before the Geneva Institute of International Relations, July 28, 1930.

There may be authority without government, as in the case of the purely arbitrary rule of a brigand chief or a political boss. And there may be order without government, as in the elaboration of a treatise on politics. But where there is both order and authority, political authority exercised to enforce some kind of political order, then there is bound to be government. The authority may be dictatorial, as in Fascist Italy, or liberal, as in classical Athens; the order may consist in a multitude of hard and fast rules, as in the Soviet Union of the five-year plan; or it may consist in a few general principles as in "muddling through" Great Britain. Whenever and wherever is authority and order, then and there is government.

Now what about international government? By that term we may mean—and it is well not to confuse the different meanings—either government by two or more nations or the government of two or more nations.

Examples of international government in the first sense are the rather unfortunate historical instances of so-called *condominia*; also the present administration of the Saar Basin. In the latter case, a territory has been governed for the last ten years by an international commission appointed by the Council of the League of Nations, an international body. If the mandated areas were administered by the League of Nations, as was at first proposed, and not by mandatory powers on behalf of the League, as is actually the case, we should have another example of international government in the first sense. As a matter of fact, the mandate system does not offer an example of international government. This is so, not because the League of Nations is not an international body, but because the powers it exercises over mandated territories are not those of government, but only of supervision.

Examples of international government in the second sense, that is to say, the government of an international community, are, for very significant reasons, much more difficult to find. Monarchical rulers of two or more countries bound together in a personal union, such as the kings of England and Hanover before 1837 or the kings of Sweden and Norway before 1905, might have been said to exercise international government. As a matter of fact, they did not. Likewise, during peace negotiations, the power or powers victorious over a coalition of allies, enforcing its or their will simultaneously on two or more defeated enemies, might be spoken of as temporary inter-

national rulers. I do not know whether the term has ever been used in that connection.

The Peace Conference of Paris in 1919, to be sure, is sometimes given as an example of international government. That is so, however, rather because the victorious governors formed an international group than because they laid down the law for the international community of the defeated. Nor is the government of a confederacy or of a federal state, such as the British Empire or the United States of America or the Swiss republic, ever spoken of as an international government.

If we pass in review all historical examples of government in which several political units were subjected to a common rule, we shall never, I believe, discover a single example of what any of us would be tempted to call international government. And still it was with a view to speaking of the states assembled in the League of Nations that I was asked to discuss the beginnings of international government. What is the explanation of the riddle? It is very simple—or, rather, there is no riddle at all, but only the loose expression of a vague idea.

Some of us are apt to think of the League as an example of international government, less because the members may seem to form a community of governed than because they may seem to form a community of governors. They are thought of as governing, not as being governed—of governing one another, it is true, but not as being governed one by another.

If one were to suggest in public that a state member of the League of Nations was being governed by any one but its own exclusive self, he would be evicted from office if an official, defeated at elections if a candidate, and possibly censured even if only a mere professor. In my opinion, such treatment, although excessive, would, in the case of the professor at least, not be unreasonable. As we shall see presently, it is not true to say today, although I sincerely hope that it may become less untrue at a not too far distant date, that a state member of the League of Nations is governed by the international body of which it is a part.

It, of course, follows that if members of the League are not really governed from Geneva, they together, as a League of Nations, govern no one, except as we have seen, the Saar Basin, and that only as a temporary expedient. If, therefore, the League is not engaged in

international government in the second sense of the term, it cannot truly be said to be engaged in it in the first. If no state and no group of states consents to be the object of international government, the community of states forming the League can clearly not be an agency of international government.

Indeed, if we wished to sacrifice current linguistic usage to logically precise phraseology, we could show that there is a contradiction involved in the term "international government." Government, as we have seen, is authority to enforce order. A nation or a state is, according to orthodox theory, a sovereign unit. Even if we discard the classical doctrine of absolute sovereignty as an ideal, we must admit that in ordinary parlance a nation or a state ceases to be a nation or a state when it submits to a superior authority. New York is not a state in the international sense, in spite of its size, wealth, and population, which in Europe would almost entitle it to rank as a great power. Nor do New Yorkers constitute a nation. Why not? Simply because, submitting as they do, in theory at least, to the will of the federal government, they are not politically independent.

Now if a nation forfeits its status as a nation by bowing to the authority of a superior government, then clearly international government is a misnomer. Either there is government—and then it is not international, but supernational, or rather world government—or there are independent nations—and then there is no international government, although of course there may be international coöperation or organization.

The term international government is therefore ambiguous or over-ambitious. It is ambiguous if used to describe a hypothetical world government, as ambiguous as the term interstate government would be to describe the constitutional system of the United States or the term intercantonal government to describe that of Switzerland. And it is over-ambitious if used to describe what goes on in Geneva, for, as we shall see, that is hardly government at all.

Now this is not a mere quibble, as it may seem to some at first glance. All those who expect the League of Nations effectively to prevent war, to promote disarmament, and to reorganize the world in accordance with the best economic interests of the inhabitants of the globe more or less consciously think of it as a super-state or a world government. When they do so consciously and intelligently, they may be bold enough to admit it, as did Mr. Oscar Crosby in his

book entitled *International War: its Causes and its Cure* (1919), or, more recently, Mr. H. G. Wells in several of his writings. But when they do so unconsciously, as vast numbers of people all over the world do today, they are apt to allude to the League as an institution of international government—in that case a convenient term for the muddle-headed and a phrase adequate only for the expression of a confused idea.

My insistence on this point is not due to any academic verbal frenzy, such as we professors sometimes seem to indulge in with the delight of perversity. My wish is only to call attention to the dangers of a term which, unless clearly understood, necessarily promotes loose thinking on what is to my mind one of the fundamental questions in international relations.

In order to soothe those whom this pedantic discussion may have irritated and to show that my views, even if deemed startlingly heterodox, are not confined to academic circles, let me quote from the illustrious author of the *Outline of History*. In this statement, drawn from an article entitled *Delusions about World Peace*,¹ the main point I have sought to make is particularly stressed. It is indeed stressed with an emphasis that would seem impertinent and that would be exaggerated on the part of anyone not an intellectual genius, legitimately enjoying the novelist's privilege of over-statement. "One real test of pacifist sincerity," says Mr. Wells, "is to be found in the pose toward national independence. To anyone who will sit down for five minutes and face the facts squarely it must be evident that the organization of world peace, so that war will be impossible and disarmament secure, involves some sort of federal authority in the world's affairs. At some point there must be the certainty of a decision upon all disputes of races and peoples and nations that would otherwise necessitate war. And this authority must clearly have the power to enforce its decisions. Whatever navies and armies survive, other than police forces for local and definite ends, must be under the control of this central authority. It may be a committee of national representatives or what you will, but central authority there must be. Pax Mundi, like the Pax Romana or the Pax Britannica, must be the only sovereign power within its realm. If you are not prepared to see your own country and your own flag so far sub-

¹ H. G. Wells, *The Way the World is Going* (London, 1928), pp. 149-150.

ordinated to collective control, whatever protestations of peaceful intentions you make are either made unintelligently or else in bad faith. Your country cannot be both independent and restricted. Either you are for Cosmopolis or you are for war."

Does International Government thus Defined and Understood Exist Today? We have seen that, speaking strictly, international government is a misnomer. Taking it, however, in the sense of supernational or world government, let us see whether any beginnings of it may be said to be apparent on the international horizon today. Let us examine first whether there is any order in the relations between states, and then whether there is any authority competent to enforce that order.

It has become the fashion amongst students of international affairs to speak of our contemporary world as offering the spectacle of international anarchy. This significant phrase should not blind us to the fact that there is today much more order in international relations than there ever has been in the past, that not only has peace come to be regarded as the normal condition of international relations, but by far the largest number of political, economic, and intellectual dealings between different states and their nationals take place without injustice or friction. In case of difficulty, national laws or international treaties recognized as valid by both parties and administered by unchallenged national or international tribunals provide a peaceful and orderly means of settlement.

Unfortunately, there remain several possibilities of disagreement, and among them some of the gravest sources of conflict. I shall not attempt to enumerate all the classes of cases in private international law where no one guiding principle of solution is adopted by all states, and which are therefore not susceptible of a settlement legally satisfactory to all parties. Such cases, numerous and troublesome though they be as occasions of disputes between individuals and as symptoms of international disorder, are not the most serious. They are seldom more than pretexts for interstate conflicts. Moreover, their number tends to diminish with the not too difficult progress of private international law. The real subsisting international anarchy lies elsewhere. It is to be found in the fundamentally unsatisfactory and unsettled relations between the states themselves, much more than in those between the respective citizens.

Briefly to circumscribe this anarchy, we may say that it springs

from three distinct sources. One is the still persistent reluctance of most states to agree once and for all to accept the jurisdiction of an independent tribunal and to abide by its decision whenever there is a generally recognized law or legal principle applicable to the case in dispute. The recent very noticeable progress of so-called compulsory arbitration tends to narrow this hotbed of disorder. But it will subsist until all states have, without any reservation and without any time limit, accepted the compulsory jurisdiction of some international court of justice. Up to date (July 28, 1930), 28 signatories, out of some 70 so-called sovereign states, have finally accepted the jurisdiction of the Permanent Court of International Justice, under Paragraph 2 of Article 36 of its Statutes. But among them there are as yet only two great powers, Germany and Great Britain; and in no case has this step been taken without some often important reservations or conditions.

We are here, however, in the presence of a rapidly spreading system of legal international order. It is to be hoped and, I think one may add without undue optimism, expected, that our generation or the next may see the completion of this very happy evolution. It is coming to be more and more generally recognized that, as M. Briand had the courage to say on the platform of the Ninth Assembly, "there is no dishonor even for a Great Power to go to The Hague and to return disappointed." As Professor Laski has rightly said,² "To suggest that a nation is humiliated by being proved in error is as wise as to suggest that trial by battle is likely to result in justice. A power, indeed, which urges its prestige as a means of evading international jurisdiction is fairly certain to be wrong."

The progress of compulsory arbitration, important as it is, is, however, far from tending to the establishment of a complete international order. The second element of anarchy in the present situation is the absence of any pacific means of modifying international law without the consent of all states concerned. Existing international order may be fundamentally unfair on certain important points, and it is bound, unless altered, to become more and more so in course of time. Certain frontiers may be indefensible on grounds of justice. The very unequal distribution of colonial possessions and natural resources may be rightly resented, not only by those who have been despoiled, but

² *Op. cit.*, p. 167.

even by the large majority of mankind. Certain limitations of independence may seem unjustified, not only to people struggling for emancipation, but even to the disinterested onlooker.

No matter how revolting to the general sense of justice, and no matter how threatening to peace, international law, even if administered by a court of justice whose jurisdiction would be universally recognized, affords no redress in such cases. Diplomatic negotiations, mediation by the Council of the League, consultation by *ad hoc* commissions, international conferences, and discussions before the Assembly under Article 19 of the Covenant may achieve something, but only if the beneficiary of an unfair advantage consents to relinquish it. If he does not, the international community is helpless. It is in the position of a state whose constitution refused to allow for legislation by majority and contained no provisions permitting its own amendment. As Professor Brierly said in the course of a remarkable lecture on "The Function of Law in International Relations" two years ago, "The problem of the peaceful incorporation of changes into an existing order is the supreme problem of statesmanship, national or international. Whenever it is not frankly faced and solved, revolution in the national, and war in the international, field will always in the long run burst the fragile dams of legal formulas by which we vainly try to stabilize a changing world. The paradox of all law is that it cannot keep its vitality unless there exist legal means of overriding legal rights in a proper case, but if we believe that the law exists for men and not men for the law, it is right that this should be so. Within a well-ordered state the pressure for change is more or less successfully canalized by a legislature, which can weigh demands and judge what changes are just, and when. In the international sphere the problem has not yet found its solution."³

The third source of international anarchy lies in the fact that many phenomena of international importance are at present still beyond the orbit of international law. Whereas in the preceding case an international tribunal, if consulted, is bound to render a decision contrary to the dictates of justice, because the law itself is unjust, here it cannot even be consulted, or is bound, if consulted, to remain mute, because there is no law for it to apply.

A state may strangle its neighbors by means of its tariff policy. It

³ In *Problems of Peace* (3rd ser., London, 1929), p. 297.

may oppress its own nationals or exclude all foreigners from the enjoyment of its natural resources. It may make the most elaborate and threatening preparations for a war of aggression, and thereby oblige its neighbors either to enter into a ruinous race of competitive armaments or to submit to any one of those forms of pressure and bullying to which disproportionate force has so often given rise in the past. The world of sovereign states as at present organized is equally helpless in the presence of such policies, which, while not illegal, are as disruptive of international order as they are threatening to peace. To quote Professor Laski once more: “. . . the notion of an independent sovereign state is, on the international side, fatal to the well-being of humanity. The way in which a state should live its life in relation to other states is clearly not a matter in which that state is entitled to be sole judge. That way lies the long avenue of disastrous warfare of which the rape of Belgium is the supreme moral result in modern times. The common life of states is a matter for common agreement between states. International government is, therefore, axiomatic in any plan for international well-being. But international government implies the organized subordination of states to an authority in which each may have a voice, but in which, also, that voice is never the self-determined source of decision. . . . England ought not to settle what armaments she needs, the tariffs she will erect, the immigrants she will permit to enter. These matters affect the common life of peoples; and they imply a unified world organized to administer them.”⁴

So much for international order, which, as we have seen, is the rule, and international disorder, which, while exceptional, is still, and I may add increasingly, dangerous in a constantly shrinking world. Now how about authority—that authority without which even complete and perfect order is not government? Without the authority to impose and to enforce order, there is not only no government, but there can likewise be no security. This is, in fact, the only justification for government on the international, as on the national, plan. If nations or individuals could be relied upon willingly to accept and faithfully to observe, as self-imposed law, all the suggestions of a duly qualified advisory agency, then government, national or international, would be superfluous, as it is necessarily always more or less

⁴ *Op. cit.*, p. 65.

oppressive. No government! Such is, therefore, the plea of the thoroughgoing anarchist. He is an anarchist, not because he favors disorder, but because he believes in the possibility of spontaneous order. In the national field, however, the anarchist is looked upon as a dangerous utopian, and by no one with as much suspicion and intolerance as by those conservatively-minded members of the community for whom the dangerous utopian on the international plan is he who most insistently clamors for some form of supernational government.

Now, supernational government and absolute national sovereignty are, as we have seen, logically and historically incompatible. The authors of the Covenant of the League of Nations, wisely recognizing that any frontal attack on the sacrosanct citadel of national sovereignty was doomed to failure and would only, if attempted, spell disastrous defeat for their whole undertaking, deliberately refrained from it. Who could blame them when, timid and cautious as they made the document, it still proved too revolutionary for the people of the United States and too threatening for senators' sense of national independence? Who could blame them when the first Assemblies, interpreting Articles 10 and 16, went still further in the desire to limit the authority of the League and to reduce the obligations of its members? Who could blame them when, later on, the Draft Treaty of Mutual Guaranty in 1923 and the Protocol of Geneva in 1924, which were conscious reactions against this tendency, proved unacceptable to all non-European states? And who could blame them today in Europe when, more than ten years later, even M. Briand, perhaps the boldest internationalist on the front of the political scene, has felt bound in his famous Memorandum to insist on his fervent respect for the absolute sovereignty of the states between whom he proposes to establish a federal bond?

The League, therefore, having no authority over its members, because its members will accept no binding obligations toward it, is not an institution of government. It is, if you please, a government by persuasion. But that is a literary phrase without any scientific meaning. Government by persuasion is persuasion and not government.

But, it may be asked, are there not at least some beginnings of government in the League? Are there no moral forces at work in Geneva which, even without governmental authority, tend to guide the wills of the sovereign states toward some common goal? Taken in this sense, I think we may reply in the affirmative. Although much has

been said about the famous "spirit of Geneva" which may sound well in a political speech or in a post-prandial address, but which would be out of place in a scientific lecture, there is no doubt in my mind that there is here an environmental influence which does contribute to promote international coöperation. It is not, as some of my fellow-citizens like to believe, the influence of the historic city-republic of Geneva. It is rather the result and the expression of an international *esprit de corps* which may well prove to be the embryo of a future world patriotism.

When leading statesmen of fourteen countries meet three or four times a year as members of the Council in Geneva, or when leading statesmen of some fifty nations spend a month together as members of the Assembly, discussing and trying to solve problems of common concern in a spirit of conciliation and friendliness, they become something more than mere plenipotentiaries of their respective sovereign states. A new loyalty toward the League, or even toward mankind as a whole, is sometimes discernible, which makes for mutual concessions and thereby for something in the nature of a common policy. The best proof of the reality of this intangible and imponderable spirit is to be found in the fact that, when these statesmen return to face their respective national parliaments, they are invariably accused by their respective nationalists of having succumbed to the diplomacy of their sly and wicked foreign antagonists.

Neither the Assembly nor the Council governs the world, or the League of Nations, or any of its members. But they do undoubtedly exercise a certain influence on the shaping of national policies. In this sense, beginnings of international government may be detected in Geneva. What there is, really and obviously, on the other hand, is international coöperation and international organization.

In the evolution which seems to carry the nations of the world from absolute isolation to real federation, three successive phases may be distinguished. The first is that of free and spontaneous coöperation. This stage started with the beginnings of intercourse and diplomacy and progressed very rapidly with the advance of population, wealth, industrial science, and trade. Already before the World War it had reached such development and intensity that in various technical fields it had given rise to international unions, just as in the political field it has since the most ancient times led to defensive and offensive alliances of different types.

The second phase in this evolution may be described as that of voluntary and self-imposed organization, of which such unions and alliances were the prototypes, and of which the League of Nations is the most recent expression and the most perfect instrument. In this phase, the source of all power and of all decision still remains with the individual nations. But they agree, under certain conditions, for a certain time, in certain contingencies and for certain well-defined purposes, to conform their respective policies to certain generally accepted principles. They even go so far, in a few exceptional circumstances, as under Article 15, Paragraph 7, of the Covenant; or under the Optional Clause of Article 36 of the Statute of the Court, or under the General Act of 1929, or under various bilateral treaties, as to bind themselves to submit to the verdict of a foreign authority. In so far, but in so far only, international organization may be said clearly to foreshadow the third phase of this evolution, the final phase of world government.

In this progressive development, the states members of the League are unequally prepared to participate, or rather are not all prepared to go equally far. France and her Continental allies, who have everything to gain and nothing to risk by the establishment of an order of things in which present frontiers will be guaranteed by the combined forces of the League, seem in some respects ready to go farthest in the direction of world government. But when it is suggested that there, of course, can be no such government without the power to revise existing treaties, if the interests of the greater part of the community should demand such revision, even France and especially her eastern allies become most insistent on the sacred character of their sovereign rights.

The discontented states of the world, i.e., those against whom the peace treaties were drawn up—the defeated Central Powers, Italy, a disappointed victor, and China, the victim of her allies' triumphs, assume the opposite attitude. They are for League government in so far as League government means the possibility of redrafting the map of the world, but vigorously opposed to it when it implies the collective stabilization of the present conditions.

The European ex-neutrals, who are all small states, wish to strengthen the League in its judicial functions, but are very reluctant to endow it with more political power. They are content with international organization which, in their view, implies the general appli-

cation of the principle of compulsory arbitration. But League government, which, they fear, would mean government by the Great Powers, has no attractions, and is indeed not without its terrors. The weakness of their position resides in the fact that, while they impatiently demand disarmament, they are unwilling to make the sacrifices of national independence which international guarantees—without which there can be no general disarmament—inevitably demand. The attitude of Great Britain in its present temper is not very different, although it is, of course, based on other political and geographical considerations.

The non-European states are, on the whole, still in the phase of international coöperation. They are sometimes ready to consider a measure of international organization, but they are always resolutely averse to any form of world government. Whether they belong to the League, as Japan, the British dominions, and the smaller Latin American republics, or whether they participate only in its technical activities, as do the United States, Brazil, Mexico, and Argentina, their policy is fundamentally the same. They are for coöperation, because coöperation means enhanced prosperity. They are suspicious of organization, because organization may imply troublesome obligations. And, with the possible exception of Japan, they are violently opposed to world government, because world government would seem to threaten their privileged economic position, endanger their newly won independence, and too closely associate them with all that is objectionable in the intolerable continent of Europe. For states so disposed, the platonic vows of the Kellogg Pact and the pious aspirations of disarmament discussions are the last word in the art of preventing war.

As for Soviet Russia, it, of course, occupies a place by itself. In the eyes of Moscow, coöperation with capitalistic nations would be a futile farce were it not an adventure offering some opportunities for revolutionary propaganda and some possibilities of obtaining foreign credits. International organization is meaningless and world government the sole desirable goal, world government implying, of course, the incorporation of the rest of the universe in the Union of Federated Socialist Soviet Republics.

Such, in very rough outline, is the map of the globe, as I see it, when considered from the point of view of international relations. Even the most enthusiastic friend of world government must admit

that from such beginnings to that goal, "it's a long, long way to Tipperary!"

Why World Government is Desirable and Why it is Still Almost Universally Opposed. Let us, in conclusion, ask ourselves why mankind should appear to be blindly groping for some form of world government and why it should still be so reluctant to advance deliberately in that direction.

In our sceptical age, almost all moral axioms may be, and are in fact, questioned. Were one to ask, however, whether peace is preferable to war, harmonious coöperation to hostile rivalry, and prosperity to poverty—in a word, life to death—even our agnostic humanity would almost unanimously answer in the affirmative.

Now, without some form of supernational authority entrusted with the duty of maintaining peace, securing disarmament, and promoting prosperity—that is to say, the duty of governing mankind in the exclusive interests of mankind—the coveted goal would appear even theoretically inaccessible. "Either you are for Cosmopolis or you are for war," as H. G. Wells declared in the above quoted lapidary formula. The story of all recent and successful federations would seem to confirm this view. "Either you are for a United States of America, for a unified Germany, for a Swiss confederacy, for a kingdom of Italy, or you are for war, stagnation, and poverty." Thus spoke the American federalists of 1787, the promoters of the German Zollverein in the first half of the nineteenth century, the Swiss progressives in 1848, and the Italian patriots of the *Risorgimento*.

But why does not all civilized, pacific, and forward-looking humanity speak like Wells today? The reasons are obvious. In the first place, there is as yet in the twentieth century no world patriotism comparable in vital intensity to the American, German, Swiss, or Italian patriotism of the eighteenth and nineteenth. The millenaries of common aspirations, strife, and suffering which mankind has lived through since the beginnings of time have not yet given rise to a true and strong feeling of world solidarity. The disruptive forces of different origin, race, tradition, language, culture, and religion are still far more potent than the uniting forces of common experience and common interest.

In the second place, the love of freedom and independence, perhaps the most powerful impulse of individuals and nations, still blocks the road to federation. Freedom and independence, the necessary con-

ditions of self-assertion, are not only highly prized advantages but have come to be sublimated into sacred ideals. Generations in all countries have striven, bled, and died for the cause of freedom and independence. Is it surprising that men today should resent the very thought of a superstate conceived as depriving them of these blessings?

To be sure, any well considered plan of world government should tend to enlarge and not to limit individual freedom, and indeed also national independence in the best sense of the term. By doing away with war, crushing armaments, suicidal rivalry, and all the hindrances and restrictions of national sovereignty, it should appear as an instrument of human emancipation and not of oppression. It would, of course, be, not a foreign government, but a coöperative institution, destined to protect individual and collective rights of self-determination and not to impose any uniform system of local and national administration. Differences of culture, language, and religion would be treasured as necessary conditions of life and progress.

All this may be true, and indeed obvious; but it is not yet understood by the man in the street, be it Main Street, Wall Street, the Strand, Under den Linden, la Rue de la Paix, or even Quai Wilson. In this connection, I venture to suggest that the term Cosmopolis is exceptionally unfortunate as the name of a world state, since it would seem to evoke an imposed uniformity of type much more than a peacefully organized and harmoniously federated diversity of local and national units.

The third main obstacle on the road to a world government results from the very unequal stages of national development we have noted above. If set up tomorrow, a world state would almost necessarily imply a very unequal, and therefore unfair, distribution of benefits and sacrifices. Some countries, and above all the United States of America, are large, thinly settled in comparison to their natural resources, and relatively secure from foreign aggression. Others, on the contrary, especially in Europe, are small, over-populated, and hedged in on all sides by threatening neighbors.

While the two previously mentioned obstacles, and especially the second, should be overcome with comparative ease by education and enlightenment, the third strikes me as insuperable for the present and the near future. Time alone, the progressive equalization of economic and social conditions which it seems bound to bring about, cumulative experience of the dangers for all, and even for the most

protected, of sovereign states, and the constantly growing realization of the real solidarity of the most fortunate and the least fortunate of the human family may gradually lead us all on with a more assured gait toward some form of that supernational government of which we are today witnessing the timid and halting beginnings.

Let me close with a last quotation from Professor Laski which may serve, with some qualification, as both a summary and a conclusion: "The implication, in a word, of modern conditions is world government. The process, naturally enough, is immensely more complicated than the government of a single state. The spiritual tradition of coöperation has still to be created; the difficulty of language has to be overcome; the application of decisions has to be agreed upon in terms of a technique that is still largely unexplored. The only source of comfort we possess is the increasing recognition that modern warfare is literally a form of suicide, and that, as a consequence, the choice before us is between coöperation and disaster. That was the sense which, in 1919, led the makers of the Peace of Versailles to strive for the mitigation of its inequities by the acceptance of the League of Nations. The latter, indeed, is the façade of a structure which has not yet been called into being. But it has at least this great importance, that it constitutes an organ of reference which goes beyond the fiat of a given state. It is, in fact, either nothing, or else a denial of national sovereignty in world-affairs. It is upon the basis of that denial that we have to build."⁵

With the end of this statement, spirited and speculative as everything that flows from its brilliant author's pen, I find myself unable fully to agree. The League of Nations is a "denial of national sovereignty" neither in the intention of its founders nor in actual practice. Still less is it "nothing." It is, as I see it, an attempt to build up international coöperation on the foundations of national sovereignty. As such, it is not, and cannot be, an inviolable temple of peace. But it is more than a happy façade. It is, in my view, an invaluable structure, both in its present admittedly limited potency and especially—if I may be allowed a final architectural simile—as a most necessary bridge leading from the international anarchy of the past over into the well-ordered world government of the future.

University of Geneva.

WILLIAM R. RAPPARD.

⁵ *Op. cit.*, p. 227. •

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

A full announcement of the next annual meeting of the American Political Science Association appeared in the August issue of this *Review* (p. 736). It need not be repeated here, save to say that the place is Cleveland, the headquarters the Statler Hotel, the date December 27-29. Programs will be mailed to members of the Association in the immediate future.

Professor William B. Munro, who has been a member of the teaching staff at Harvard for more than a quarter of a century, retired from the service of that university in September and has become a year-round resident of Pasadena, California, where he has been spending a part of each winter since 1920. Dr. Munro will devote most of his time to writing, but retains an academic connection as a member of the executive council at the California Institute of Technology.

Dr. Raymond L. Buell, research director on the staff of the Foreign Policy Association, spent the past summer visiting the six republics of Central America. Without discontinuing his work for the Foreign Policy Association, he is serving this autumn as visiting professor of international relations at Yale University.

Professor Edwin A. Cottrell, of Stanford University, has been appointed a member of the California commission on county home rule, which is to report to the January session of the legislature plans for reorganization of the counties of the state.

Professor August Vollmer resumed his duties at the University of Chicago during the autumn quarter. Under his direction, a regional survey of police administration is being carried on in the Chicago area. A representative committee, of which Professor L. L. Thurstone is chairman, is undertaking experiments to test the validity of the so-called "lie detector."

Professor Graham H. Stuart, of Stanford University, has returned from a year of research on the international administration of Tangier. His book on the subject will be published by the Stanford University Press this fall. He gave lectures on "La Politique Etrangère des États Unis et l'Amérique Latine" at universities in Montpellier, Toulouse, Poitiers, and Paris, as a representative of the Carnegie Endowment for International Peace.

Dr. Rudolf Holsti, minister of Finland to Switzerland and a member of the Council of the League of Nations, gave courses on international relations and the League of Nations at Stanford University during the past summer. He took part in the Sixth Institute of International Relations at Berkeley, and addressed numerous organizations on the work of the Council of the League.

Dr. Frank H. Wood, for over twenty years professor of political science and international law at Hamilton College, died on August 22. His influence was great among his students, and he did much to further the teaching of international law at smaller institutions. He had retired from active work at the time of the June commencement. Professor Walter H. C. Laves has taken over his courses, and Mr. George Ridgeway has been appointed associate professor of political science for the current year.

Professor Charles W. Pipkin, professor of comparative government at Louisiana State University, has returned to his work after a year abroad. He taught at Arkansas and Virginia during the summer, and will soon publish a two-volume work entitled *Social Politics and Modern Democracies*.

Mr. Taylor Cole, assistant professor of government at Louisiana State University, is on leave of absence at Harvard University for the year 1930-31, and Mr. R. L. Carleton, instructor, is on leave for the year at the University of Illinois.

Dr. Austin F. Macdonald, formerly of the University of Pennsylvania, now holds a professorship of political science at the University of California.

Dr. Charles W. Shull, formerly of the University of Kentucky, has joined the department of political science at the College of the City of Detroit, and will be in charge of courses in American government and political theory.

Dr. Herbert F. Wright, since 1923 professor of political science at Georgetown University, has been appointed professor of international law at the Catholic University of America, from which institution he received his doctor's degree in 1916.

Professor A. B. Butts, vice-president and head of the department of government at the Mississippi Agricultural and Mechanical College, received the degree of bachelor of laws at the Yale Law School at the close of the 1929-30 session.

At the request of Mr. C. A. Dykstra, city manager of Cincinnati, Mr. Bruce Smith, of the National Institute of Public Administration, has undertaken, in coöperation with the Cincinnati Bureau of Municipal Research, a study of the relation of the police department with the other agencies of the city.

The committee on award of the annual Baldwin Prize has awarded first, second, and third prizes to Joel Gordon, Lowell Whittemore, and Harry H. Kleinman, respectively, all of Harvard University.

Mr. Stuart A. MacCorkle, who is completing his work for the doctorate at Johns Hopkins University, has been appointed to an instructorship in government at the University of Texas.

After a year of graduate study at Harvard University, Mr. J. Alton Burdine has returned to the University of Texas as an instructor in government.

Dr. Jesse T. Carpenter has been promoted from instructor to assistant professor of political science at New York University.

Dr. Raymond S. Short, who recently completed his graduate work at the University of Pittsburgh, has accepted an instructorship in political science at Temple University. His special interest will be the development of the course in municipal government.

Dr. Harold H. Sprout is continuing for the year as acting assistant professor of political science at Stanford University, and is giving courses in international relations and political geography.

Professor Arthur W. Macmahon, of Columbia University, is to be visiting professor of political science at Stanford University in the summer of 1931.

Dr. William M. Strachan has been promoted from associate professor to professor of political science, and Mr. Yale K. Kessler from instructor to assistant professor, at Ohio Wesleyan University.

Dr. Joseph B. Shannon, who gave courses during the summer at the University of Kentucky, has been made associate professor of history and political science at Transylvania College.

Mr. Earl E. Warner, graduate assistant in political science at Ohio State University during the year 1929-30, has been appointed graduate assistant at the University of Michigan for the year 1930-31.

Dr. N. D. Houghton has been promoted to a professorship of political science at the University of Arizona. He taught in the summer session at the University of Illinois.

Dr. Wallace Murphy, of the University of West Virginia, has been selected by the University of Texas to make a survey of county government in Texas.

Dr. Carl Heinrich Becker, honorary professor in the University of Berlin, lectured at the University of Chicago in October on European civic education.

The National Institute of Public Administration has completed a survey of the government of Williamsburg, Virginia.

The fifteenth conference and good-will congress of the World Alliance for International Friendship was held in Washington on November 10-12.

Dr. Harvey Walker, of the department of political science at Ohio State University, has been elected secretary-treasurer of the newly re-organized Ohio Municipal League. A monthly news bulletin has been established, and the first annual meeting will be held at Cleveland on November 12 in connection with the National Conference on Improving City Government. Dr. Walker has been granted a leave of absence from teaching duties for the fall and winter quarters of 1930-31, and during this time will serve as assistant director of finance of the state of Ohio, in charge of the formulation of the state budget estimates for the next biennium.

Professor C. P. Patterson, of the University of Texas, announces that Pi Sigma Alpha, national honorary fraternity in political science, will hold a convention in Cleveland in December at the time of the meeting of the American Political Science Association.

The seventeenth annual convention of the International City Managers' Association was held at San Francisco September 24-27, 1930. Various sessions were devoted to municipal finance, personnel administration, police administration, municipal reporting, and "getting and using facts as aids to management."

The fiftieth anniversary of the founding of the School of Political Science at Columbia University was celebrated on October 14 and 15, the occasion furnishing a unique opportunity for honoring the school's founder, Professor John W. Burgess, still vigorous at eighty-six though he retired from active teaching eighteen years ago. In connection with the commemoration, a bibliography of publications of the Faculty of Political Science (the status of a separate school was abandoned in 1909) is being published. More than 3,700 books and scholarly articles will be listed.

At the London Conference of Institutions for the Scientific Study of International Relations held in March, 1929, the Council on Foreign Relations was designated as the national center for such organizations in the United States. In order to assemble accurate and up-to-date information on the work being done in this field in this country, a questionnaire has been sent to each of the organizations now listed at Council headquarters. It is earnestly requested that any organiza-

tion which has not received such a request send its name and address to the Council at 45 East 65th Street, New York City, and a questionnaire will be forwarded promptly.

The annual summer conference of the British Institute of Public Administration was held in New College, Oxford, July 11 to 14. In attendance were officials from half a dozen government departments, town clerks and other officials, visitors from Canada, Ceylon, and South Australia, and four from the United States—Mr. Louis Brownlow, former president of the City Managers' Association, Clinton Rogers Woodruff of Philadelphia, Professor John A. Fairlie of the University of Illinois, and Mr. Roland Egger of Princeton University. The subjects discussed included personality in public administration, relations between the official and his council, how to fill higher posts, relation of government to organized industries, and rationalizing the processes of administration. As usual, the principal papers were printed in advance, and the sessions were devoted to discussion. Mr. I. G. Gibbon, of the Ministry of Health, presided.

New Hampshire Constitutional Convention of 1930. In pursuance of a popular vote at the election of 1928, New Hampshire held one of her not infrequent constitutional conventions (there have been four since 1902) in June, 1930. • It convened on June 4 and adjourned on June 13, having been actually in session six days. The president was Frank N. Parsons, a retired chief justice of the supreme court. The number of delegates was 459; the largest number who voted was 416 (in the election of a secretary on the opening day); the largest number recorded as voting on any measure was 347.

Twenty-three proposals for amendment were introduced. Five of these were adopted by the convention, and appeared on the ballots in November, as follows: (1) provision for item veto on appropriation bills; (2) empowering of the legislature to enact a law providing for absent voting in state elections, the supreme court having given an advisory opinion against such a law under the existing constitution; (3) also as a result of an advisory opinion, an amendment empowering the legislature to fix the exemptions in any income tax law that may be enacted, and also limiting the rate of such taxation to the average general property tax rate; (4) "an estate tax may be imposed equal to such credit as may be allowed by federal estate legis-

lation on account of similar taxes to the several states;" and (5) reduction of the House of Representatives from about 425 to about 350 members.

The last-mentioned proposal is the only one of the five that seems to require comment. Under the present arrangement, any town or city ward which has a population of 600 has one representative (smaller places having a curious "part time" representation); and the number of additional population which entitles the town or ward to an additional representative is 1,200. Thus a town with a population of 5,000 is now entitled to four representatives. The proposed amendment would change the number 1,200 to 1,500, so that the town of 5,000 would have three representatives. It is, of course, obvious that all the reduction will be gained at the expense of the larger towns and cities; but the small towns had the votes in the convention to put the new plan through. It is very unlikely that it will be adopted by the voters, as a two-thirds vote is required.

Various proposals which were rejected would have provided, in one form or another, for legislative submission of constitutional amendments to the people, New Hampshire now being the only state in which the legislature is powerless in this matter. After considerable debate, however, and a final close vote (165-182), all were defeated. The reason for this action deserves a word of explanation, for it would never be apparent to one reading the journal of the convention. The proposals were of two kinds. The first was to turn the legislature into a joint convention for the consideration of amendments, as in Massachusetts. Those who favored this were obviously and frankly actuated by their distrust of the Senate, a body numbering only 24, and well-known for its extreme conservatism, to put it mildly. The second proposal was of the more usual type, requiring a two-thirds vote of the total membership of the House, plus a majority of the total membership of the Senate. Proposal one being defeated, on a voice vote, enough of its friends, probably about twenty-five, turned against proposal two to bring about its defeat also, by the close vote already stated. Hence a proposal for the moderate liberalization of the amending process met defeat at the hands of a group which insisted on the whole loaf or no bread. None of the other rejected proposals was of major importance.

Although delegates were elected on partisan ballots, the only occasion in the convention when party lines could be said to have been

drawn was in the election of a secretary; and here precedent was followed in the choice of a Democrat, though the convention was overwhelmingly Republican.

The convention was perhaps remarkable in one other respect: there was not a single reference, direct or indirect, to the prohibition controversy.

JAMES P. RICHARDSON.

Dartmouth College.

Social Science Abstracts—an Institution in the Making.¹ "This article describes a sequence of the factors that led up to the establishment of an international coöperative effort in which more than 1,700 scholars participate. It analyzes the process of organizing a scientific journal which publishes 15,000 abstracts a year, based upon the systematic examination of about 400,000 articles contained in 4,000 serials which are printed in 26 languages. As a voluntary effort, *Social Science Abstracts* is of sufficient magnitude and stability to be regarded as an institution in the making."

The origin of *Social Science Abstracts* was recognition of the need of keeping informed on the important contributions to the social sciences contained in the ever-increasing volume of periodicals and serials in the literature of many countries. Successful patterns of coöperative research to solve this urgent problem existed in the great abstracting services established in the physical sciences. *Social Science Abstracts* is indebted to these services for the many transfers of essential technique.

Contacts with European scholars were made in the summer of 1928. Meanwhile the collaboration of hundreds of American scholars was secured for the preparation of abstracts. The first issue of the journal was distributed in March, 1929. By December, a complete volume containing 11,093 abstracts had been published. Volume II for the year 1930 will contain over 15,000 abstracts.

In handling 400,000 articles a year, accuracy and system are essential. The office editors select the articles to be abstracted. In order to prevent duplication, the title of each article is cleared against a great central file before mailing to an abstractor. About 18,000 titles were mailed out during 1929. In a few cases (600), responsibility

¹ Abstract of an article by the editor-in-chief of *Social Science Abstracts* published in the *American Journal of Sociology*, November, 1930.

for an entire journal is assigned to one or more scholars. In all cases, careful selection of collaborators is a fundamental prerequisite to dependable abstracts. A systematic effort is made to maintain uniformly high standards in the selection of articles to be abstracted, and six office editors, as well as 1,800 abstractors, are urged to observe the criteria of selection outlined in the *Guide for Abstractors*. The processes of selection, checking, assignment, follow up, recording, editing, proof reading, and correspondence, as well as the business activities of financial management, bookkeeping, and circulation, take the full time of twenty persons on the central editorial staff. The office staff constitutes the center of a vast network of coöperative effort reaching out to 45 nations of the world and now (1930) embracing the collaboration of 1,300 specialists in 36 languages.

"Science has progressed by virtue of the principle of specialization, but this trend had led to divergences of such a marked nature that compartmentalism has developed to a positively vicious degree. The question is, how can the whole mass be drawn together? By what means will it be possible to integrate the work of critical specialists? *Social Science Abstracts*, in common with other great abstracting services, does this by printing the results of research in one specialty in close juxtaposition and in organic relationship with the results of other specialties. Thus there is no offense given to the sensibilities and habits of thought of the specialist, and yet the evils of compartmentalism are avoided. For the specialist may now read on the borderline of his subject and pick up new leads. He may delve into the literature of allied subjects and discover critical cross-lights on his own narrow interest.

These larger functions, dimly seen at the beginning, now emerge out of the detail of such practical and concrete services as time saving, the avoidance of duplication of effort, and the making accessible of materials, and so encourage us to believe that the abstract service will increasingly perform a valuable educational service. One assurance of this hope is the fact that with the present form and size of abstracts, the journal is a readable journal. Many of our subscribers say that they spend profitable evenings reading along the borders of their specialties, for they find that the abstracts as now written are interesting and amply reward time spent in browsing."

F. STUART CHAPIN.

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University of Minnesota.

BOOK REVIEWS AND NOTICES

EDITED BY A. C. HANFORD

Harvard University

Mandates Under the League of Nations. BY QUINCY WRIGHT. (Chicago: University of Chicago Press. 1930. Pp. xvi, 726.)

This monumental work, with its very valuable appendices, contains no less than 726 closely printed pages. Of these, 29 are devoted to a systematic bibliography of the subject of mandates. In the bibliography are mentioned the titles of over six hundred publications—official documents, books, pamphlets, and articles—all dealing with some aspect of the mandates problem, and all, therefore, published within the last twelve years. When it is realized that this entire library has not only been classified and catalogued, but also most intelligently and discriminately utilized in the preparation of the work under review, the importance of Professor Wright's scholarly efforts will be duly appreciated. When, furthermore, the fruits of these efforts are analyzed critically and their rare qualities discovered—qualities of thorough research, attractive and orderly presentation, independent, original, and sagacious judgment—then the whole value of his achievement will appear. No one could be more impressed with this achievement than one who, as the reviewer, has for years been intimately associated with the practical working of the mandates system and intensely interested also in its theoretical implications and its historical significance. It is indeed a true privilege to be able in all sincerity to express unqualified admiration for a piece of scholarship dealing with a subject with which one is thoroughly familiar by reason not only of previous studies, but also of continued and active observation on the spot. For this privilege the reviewer is deeply indebted to the author of *Mandates Under the League of Nations*.

Professor Wright has divided his book into four parts of equal interest but of very unequal length. In the first, devoted to "The Origin and Development of the Mandates System," he has shown the system to be in substance the slowly matured product of a long evolution of colonial administration and in form the immediate outcome of the diplomatic negotiations of 1919. It seems very doubtful whether

the future historian will find anything essential to add to or to subtract from this searching, clear, and convincing narrative.

The second part, entitled "Organization of the Mandates System," is a study of the system's actual structure and effective functioning. It is based mainly on a close examination of official documents, and particularly of the minutes of the Permanent Mandates Commission, which have never been more carefully perused and more intelligently interpreted.

The third part, which the author seems to have written with a peculiar fondness and which he proudly calls "The Law of the Mandates System," is a learned juridical treatise of nearly 300 pages. The countless legal questions, most of them connected with the underlying problem of sovereignty, which constantly arise in the course of the debates of the Permanent Mandates Commission are here calmly and judiciously examined. While displaying a keen sense of juridical analysis, the author has avoided the pitfall of narrow legalism. Realizing that in this domain—more even, perhaps, than in most other fields of international relations—law is but the maid-servant of politics (and often a very ill-treated domestic), he has not sought academically to dogmatize about the main issues, but rather realistically to understand and to explain them. He quotes contradictory opinions and often allows the reader to draw his own conclusions. Those for whom international law's main function is to serve as a guide to the evolution of the future may deem him over-discreet. But those who know how little that evolution heeds the precepts of its would-be guides, those who ask of international law that it render intelligible what has happened yesterday and that it predict what is therefore likely to happen tomorrow, will better appreciate his cautious wisdom.

The fourth and final part, entitled "The Value of the Mandates System," is a relatively brief statement of less than 50 pages. After an interesting and ingenious discussion of the methods of measuring administrative achievement, Professor Wright formulates his general conclusions. They are, like most sagacious views in political matters, neither enthusiastically optimistic nor cynically negative. Both their moderate and slightly whimsical tone and their general purport may be judged by the following quotation: "While the period of its operation has been short and the available data incomplete, it seems fair to say that the mandates system has proved a practical method for administering backward areas, more satisfactory than

others that have been tried from the standpoint of the natives and from the standpoint of the world in general. Whether or not it has been as advantageous to the administering state as have the traditional systems of colonies, protectorates, and spheres of interest, at least none of the mandatory powers has offered to resign."

While American statesmanship is still reluctant to coöperate actively in the endeavors of the League of Nations, some consolation may be found in the fact that American scholarship and expert ability have already rendered Geneva great services. Never have they been shown to better advantage than in this remarkable treatise which, in spite of the rapidly shifting scene, is bound to remain the standard work on mandates for many years to come. That opinion the reviewer has no hesitation in expressing, both as a student of international affairs and as a servant of the League on the Permanent Mandates Commission, where the book will often, and never uselessly, be consulted in the future.

WILLIAM E. RAPPARD.

*Graduate Institute of International
Studies, Geneva, Switzerland.*

International Arbitration from Athens to Locarno. BY JACKSON H. RALSTON. (Stanford University: Stanford University Press. 1929. Pp. xvi, 417.)

In this valuable book Judge Ralston gives the historical background for the more analytical treatment of arbitral jurisprudence in his earlier work entitled *The Law and Procedure of International Tribunals*. That book classified materials dealing with international arbitration according to the legal principles involved. The present work classifies them according to the procedure and organization of international institutions for the settlement of disputes. It contains information about the movements of public opinion favorable to arbitration, and the history of arbitral tribunals, more particularly of the Permanent Court of Arbitration and the Permanent Court of International Justice. An appendix lists over three hundred arbitral and other international tribunals which have functioned from 1794 to 1926. The texts of the first Hague Conference of 1907 and the Statute and Rules of the Permanent Court of International Justice are reproduced in full. Thus the reader has at hand a mass of facts related to the external history of international arbitration.

The internal history has been treated analytically in Ralston's earlier volume already referred to, but additional material is added in the first part of the present volume. As is inevitable in writing the subjective history of institutions, the subjective opinions of the writer creep in. Thus, in reading this part, one discovers that Ralston believes in natural law, in the sense that "certain governing principles which control the action of men in their individual relations still rule when they are aggregated into nations" (p. 3). Evidence on this proposition might be found by examining the extent to which international courts have actually relied on private law analogies. Lauterpacht has done this, but though Ralston refers to Lauterpacht's book in a footnote, he seems to doubt whether natural law in its relation to international affairs can be discovered by this method. "International law and international tribunals take little note of anything approaching the natural law of which we speak. Infinite violations of natural law, proved to be violations by their deleterious consequences, have as yet made scarcely any impression upon the minds of writers on the law of nations" (p. 4).

Ralston thus finds natural law by observing consequences and also by *a priori* reasoning. "The fact is," he writes, "that so long as human beings are human beings, and governments and nations represent but aggregations of human beings, the whole cannot lose the basic human qualities of the units" (p. 3). This argument seems to beg the much mooted question whether an organization can be something quite different from the sum of its parts. Certainly, states and individuals differ in a good many characteristics, as for instance in mobility, and it may be added in conceptions of justice, as Ralston himself insists in the passage previously quoted. Natural law thus seems to be in Ralston's mind an ideal to be striven for, rather than a standard to be discovered in the materials of international litigation.

Among other general subjects treated in the early chapters is codification, which the author thinks may easily be pushed too far and too fast. "An attempt, therefore, to tie down future generations to the opinions of those now living may prove to be an exceedingly dangerous experiment, bearing in mind our narrow limitations of knowledge with regard to the workings of international affairs" (p. 12).

The distinction of arbitration from judicial settlement as a process permitting of more consideration for political factors is rejected un-

less a special provision is made in the *compromis*. "Arbitrators," he writes, "have a duty to act under the guidance of law, and that they usually do" (p. 26).

With respect to the limits of arbitration as a mode of international settlement, the author attempts to refute the argument of Admiral Mahan, which he interprets to mean that disputes which a powerful state can settle more to its advantage by diplomacy or force are not justiciable (p. 42). Nevertheless, he believes that independence which is assumed on submitting to arbitration cannot itself be arbitrated (p. 31), and that domestic questions, for which he offers a definition, are likewise excluded (p. 44).

When the author turns from the broader philosophy of arbitration and law to the details of arbitral procedure and practice, he is obviously more at home. His extensive experience as an umpire of several arbitral tribunals here becomes evident. The remarks on the difference between arbitrators of common-law and of civil-law training are illuminating, the conclusion being that the differences between these two systems of law are not so great as often supposed, relating mainly to certain rules of evidence, of inheritance, and of personal status (p. 83). Among other interesting topics discussed are the finality of arbitral awards and the necessity of sanctions. The circumstances justifying rejection of awards are set forth (pp. 94-99). And the author expresses his confidence in public opinion as a guarantee of good faith in carrying out valid awards under normal circumstances (p. 109).

While flaws can be found in the arrangement of the book, and in the consistency of some of the author's generalizations, students of international law and relations will welcome the vast amount of useful material it brings together and the many wise reflections of the author upon practical problems of international arbitration and the pacific settlement of disputes.

QUINCY WRIGHT.

University of Chicago.

The Public International Conference; Its Function, Organization, and Procedure. BY NORMAN L. HILL. (Palo Alto: Stanford University Press. 1929. Pp. xii, 267.)

The Practice and Procedure of International Conferences. By FREDERICK SHERWOOD DUNN. (Baltimore: The Johns Hopkins Press. 1929. Pp. xiv, 229.)

The appearance of these two books within a year indicates a growing appreciation of the importance of international conferences in the contemporary world. If more proof is needed, the reader may peruse the statistics offered by Mr. Hill showing the steady increase in the number of international conferences per year and also in the average number of states attending each. Though a public international conference is usually easy to recognize, it is not easy to define. Public conferences shade into private conferences and international conferences into national conferences. Mr. Hill discusses the British imperial conferences and the Assembly and Council of the League of Nations, but Mr. Dunn considers both outside the scope of his work. "The League," he says, "is in law a *persona* . . . a corporate entity with a definite capacity for action and a 'will' of its own, apart from the separate 'wills' of its individual members;" so its organization and procedure are special topics which need not be discussed in a general consideration of international conferences (p. 31). Later he notes that while the League was originally conceived by its founders as a system of traditional diplomatic congresses, the first Assembly adopted rules which looked as though they had been drawn by parliamentarians (p. 189).

This difficulty is, in fact, the theme of Mr. Dunn's book. Even among meetings which are clearly public international conferences, there is an inconsistency in practice and theory. Sometimes they act like parliaments and sometimes like diplomatic gatherings. This points to a general distinction between *legislative* and *bargaining* conferences; though sometimes both elements appear in one conference. The atomic conception of the nature of international society preserves certain procedures, even when efficient functioning suggests that they be dropped. The rules of unanimity and of equality of states are in point. However, function tends to control procedure. More and more, conferences tend to adopt procedure which will expedite the achievement of the objects of the particular conference. As the objects vary greatly, so do the procedures, and Mr. Dunn agrees with the League committee on the codification of international law that general rules of conference procedure are not at present a fit subject for codification.

Though the subject is the same, the two books have little in common. Mr. Hill looks at conferences from the outside. He gives some statistics and tells something of the formal character of these gatherings. His book is of value for reference, but the reader gets little of the feel of international conferences from it.

Mr. Dunn gets much nearer to the heart of the matter. He sees world conditions that are changing, necessities of life that call for conferences of many kinds and continuous adaptation of method to purpose, with at the same time certain limitations fixed by the necessities of conference action and the prevailing concepts and prejudices of statesmen and international lawyers. He examines the leading conferences since 1825 in detail with reference to such points. While his concluding generalizations in regard to the initiative in calling, the membership, the agenda, the delegates, the officers, the parliamentary rules, records, and results are illuminating, the reviewer regrets that more attention was not given to the considerations which should govern the inclusion or exclusion of a given state in a given conference.

Mr. Hill's book includes as appendices a list of conferences (p. 229) from which some of those mentioned on page 25 are for some reason excluded, instructions to the delegates to certain conferences, sample agenda, and a bibliography. Both books have brief indexes.

QUINCY WRIGHT.

University of Chicago.

Problems of the Pacific, 1929: Proceedings of the Third Conference of the Institute of Pacific Relations, Nara and Kyoto, Japan, October 22 to November 9, 1929. EDITED BY J. B. CONDLIFFE. (Chicago: University of Chicago Press. 1930. Pp. xv, 697.)

As Dr. Condliffe points out in his preface, the conference of the Institute of Pacific Relations at Kyoto was "not an isolated event. It was part of a developing process" (p. v). As a result, the editor has "digested" (p. v) the discussions at the various round-tables and "arranged the material in a historic setting with reference both to the discussions of former Institute conferences and to general developments in the field in question since the last conference" (p. vi). While one cannot help but admire Dr. Condliffe's zeal in setting himself to such an ambitious task, it must be pointed out that the result is not a record of the round-table discussions. It is true that

"at each round-table recorders took careful notes of the discussion" (p. ix) and that "from these notes they dictated the reports which have been used in preparing the summaries of round-table discussions published in this report." It is nevertheless difficult as one reads Part I of the book, entitled "Summary of Round-Table Discussions" (pp. 3-244), to determine how much of it is actual summary and how much presents the views of Dr. Condliffe. It is to be regretted that the reports of the discussions as prepared by the recorders were not published, with footnotes by the editor.

Eight subjects were discussed at the round-table conferences, and, as stated above, the discussions are "digested" by the editor in Part I. The chapters on "The Machine Age and Traditional Culture" (pp. 3-35) and "Industrialization in the Pacific Countries" (pp. 65-83) are replete with information presented in a concise manner. The chapter on "Food and Population in the Pacific" (pp. 33-64) can best be described by its final sentence: "The chapter closes as did the round-tables on food and population with a consciousness of many factors yet to be uncovered before the approach to the solutions of the problem is begun" (p. 64). One gains the impression from a reading of the summary of the discussion as published in this chapter that a board of censors was present, although whether the board was present during the discussion or when the summary was prepared it is impossible to determine.

The second part of the volume (pp. 247-620), entitled "Documents," contains fifteen papers. Thirteen of these deal with the situation in China and Manchuria. One cannot help but regret that a few more papers were not included which related to problems existing in the Pacific regions west of the 180th meridian. A paper on "The International Settlement at Shanghai" by "A Member of the British Group, I. P. R." gives a brief but excellent historical review of this subject. The author points out that "two solutions have been suggested." One is to make Shanghai a "free city," and under this plan "the executive and judicial branches of the administration would derive their authority from the same source—the court would become a municipal court—and all difficulties of course would disappear" (p. 366). The author expresses his belief that "unfortunately that solution is so impossible as to be fantastic." He then refers to the second solution and states that "the Chinese solution is equally simple: hand over the settlement to complete Chinese control" (p. 367).

The conclusion is that "though this may be the ultimate destiny of the settlement, few people would deny that the time is not ripe for such a consummation" (p. 367).

Two other papers in Part II which are deserving of careful study are "The Relinquishment of Extraterritoriality in China" and "The Tariff Autonomy of China," both by Dr. Mingchien Joshua Bau. Needless to say, these papers present briefs for the Chinese position on the issue involved, and although one may not agree with all of the author's conclusions and recommendations, it can scarcely be denied that he pleads his case in a forceful and brilliant manner. Another very able paper is entitled "The Future Development of the Wheat Growing Industry of Australia," by Mr. A. H. E. McDonald. Those who believe that the farmer produces too much will find cause for alarm in this monograph.

Part III, entitled "Appendixes" (pp. 623-679), contains such information as a "List of Conference Members, Observers, and Staff," "The Conference Program," "The Biennial Report of the General Secretary," etc.

EDWARD C. WYNNE.

Washington, D.C.

World Politics in Modern Civilization. BY HARRY ELMER BARNES.
(New York: Alfred A. Knopf. 1930. Pp. 608.)

As the author in his preface assures the reader, this volume is "designed to present and appraise the leading trends in world politics and international relations since the period of the discovery of America"—an undertaking of broad scope and carried out with broad strokes, resembling in most part a set of notes or lectures based on secondary sources and hastily thrown together. The book warrants a review only as an example of the sort of writing which had better have been left unprinted. In spite of the Note of Acknowledgment addressed to a long list of authorities who have "rendered invaluable service in making useful suggestions and detecting errors of fact and judgment," the work abounds in gross generalizations, and in errors where the author has ventured into fields apparently not covered by readily available source material (as for instance in Chapter VIII). The author generally assumes a broad and liberal attitude toward questions and issues, as in his chapters on capitalism, imperialism, the peace movement, and World War guilt; but substantial text is in-

variably lacking in support of these generalizations, except perhaps for the chapters on war guilt, which are drawn largely from a previous book of the author's and the work of Professor Fay.

The book under review can be described briefly as a series of notes and quotations, based, as the author says, on the classifications in Moon's *Syllabus of International Relations*, thinly drawn out to produce an effect of breadth and inclusiveness, but with the paucity of substance readily apparent in spite of the attempts to cover up by means of facile generalizations. It is apparent that the author's appraisals are not logical deductions drawn from the context, but rather represent *a priori* or anterior opinions bolstered up by whatever material was available at hand. This dipping into the many aspects of international politics, together with the vigorous style of presentation, may serve to stimulate the general reader. The author's assertion that his book "possesses much more academic novelty and potential utility when viewed from a quite different angle, namely, as a topical history of modern times," will, however, hardly impress the teacher of either modern history or international relations.

M. W. ROYSE.

Harvard University.

Turkey Faces West: A Turkish View of Recent Changes and their Origin. BY MME. HALIDE EDIB. (New Haven: Yale University Press. 1930. Pp. xiv, 273.)

Mme. Edib is singularly well qualified to act as interpreter between the new Turkey and the American world. Brought up in the Constantinople of Abdul Hamid II, living through the revolutions and the régime of the Committee of Union and Progress, experiencing the vicissitudes of four wars, participating as novelist, feminist, and teacher in the movements which were remaking the Turks, exercising her greatest direct influence as a virtual member of the cabinet in the critical years of the war with Greece, she was, on the other hand, brought early into connection with American schools and found later many American friends. Exiled in 1925 from Turkey for advocating such a two-party system as in August, 1930, was encouraged by President Mustapha Kemal Pasha, she wrote in excellent English of her experiences in two substantial volumes, the *Memoirs* and *The Turkish Ordeal*. Now she presents in a more interpretative way her matured analysis of what has been happening

in Turkey, not without illuminating observations upon the progress of ideas elsewhere in the world.

While the scope of the book's outlook is general, the thread of politics is visible throughout, from the stern, fierce imperial system of Jinghiz Khan, through the installation of a growing Turkish power in Anatolia and Eastern Europe with much incorporation from the complicated decadent structure of the later Roman Empire and much influence from the theocratic elements of Islamic law, to the great imperial period of the sixteenth and seventeenth centuries, the attempts at salvation through "reform" of the nineteenth century, and the transformation from an expiring empire to a vigorous small nation in the early twentieth century. Distinguishing the imperialistic Ottoman from the nationalistic Turk, she regards the latter as essentially democratic, practical, and progressive.

Two-thirds of the book is devoted to the years since 1908, during which the great transition was accomplished. The young Turks of the nineteenth century had been "idealistic and Ottoman." Those of the twentieth century were "realistic and Turkish." They suffered many disappointments, as when the older generation was slow to bring the constitution into action, the non-Turkish elements were averse to coöperation, and Italy seized Tripoli. They lost control, and the Balkan states declared war. The young Turks seized power for themselves during that struggle, and retained it until the end of the Great War. Discredited by defeat, they disappeared. A new group saved Turkey from subjections and built up a new government. At first, this was extraordinarily simple, all powers being lodged in the Grand National Assembly. With independence, the old limited monarchy was entirely swept away and a republic was proclaimed. Internal disunity threatening while the form of the constitution of 1924 was maintained, a virtual dictatorship under emergency laws existed from 1925 to 1929. A new phase begins after the lucid narrative of Mme. Edib ceases.

ALBERT H. LYBYER.

University of Illinois.

Staatkundig Beleid en Bestuurszorg in Nederlandsch-Indië. By A. D. A. de KAT ANGELINO. Part I, Grondslagen en Richtlijnen van Koloniale Beleid, 2 vols. Part II, De Overheidszorg in Nederlandsch-Indië, 1 vol. (The Hague: Martinus Nijhoff. 1929, 1930. Pp. 1395, 763.)

These volumes constitute a very welcome and important contribution to the literature on colonialism and the relations between East and West. Much has been written in recent years on all other countries of the Far East, but there has been no good general work on the Dutch East Indies since Clive Day's *The Dutch in Java*, published some twenty-five years ago. The importance of the Dutch East Indies in world economy and in the Far Eastern situation certainly demands such a study. The importance of the East Indies has been strangely overlooked. It has four times the area of Japan and six times that of the Philippines, a population approaching that of Japan, and a strategic location at the crossing of two important world trade routes. Interest in this insular empire is increased, now that the ferment of nationalism is at last working its upheavals in this great Far Eastern dependency.

The author sees his problem in large perspective. He is not content with a mere treatment of Dutch colonial policy and administration, but feels that he must lay a broad base for this treatment by a searching examination of the bases of the colonial relationship and the function of colonial government. In fact, the author devotes so much space (two of the three volumes) to the general problem of colonialism that one is a bit puzzled to know which purpose was uppermost in his mind. This lack of proportion is no doubt to be explained by the fact that the author undertook to write a book on Dutch colonial policies at the request of the minister of colonies, while his personal interest is predominantly in the general problem. But the result is a book with a far wider appeal than one dealing solely with Dutch colonial policies, especially since colonialism is now everywhere on the defensive.

Mr. de Kat Angelino sees the fundamental justification and function of the colonial relationship as a phase of the world problem of the reconciliation of East and West, and sees a solution of the problem in a synthesis of their cultures. The Western world, a dynamic, mobile world, conquering "time and space," is making a tremendous impact on a static, stationary world, bound to the "here and the present." This synthesis has the best chance of success under the colonial relationship. Unless this inevitable and not undesirable meeting of the East and West takes place under conditions of wise leadership and thoughtful protection, the result will be an impoverishing, instead of an enriching, of human culture, will endanger the future

peace of the world, and will cause the disintegration of Eastern society. The chief function of colonial administration in accordance with this view is the protection and strengthening of native society, in order that it may be prepared to take its separate and equal station in the world community. As objectives of the colonial task in the future, the author lays down the following: enlarging of the social horizon, since until the East is freed from its narrow particularism it cannot make its contribution to the synthesis; enlisting of the native élite in coöperation in leadership; differentiation in accordance with need; the transformation of the sterile and destructive nationalism of the antithesis into a fruitful and constructive nationalism, animated with the spirit of the synthesis; and, lastly, the transformation, without too many shocks, of the mechanical structure into an organic order. In the last volume the author examines the Dutch colonial policies in the light of the above views, and comes to the conclusion that they are tending increasingly in the direction of the synthesis.

These volumes deal with large themes, and many students will disagree with some of the writer's interpretations and positions, though all must respect the searching manner in which he treats his problem. Many will disagree with his appraisal of Western and Eastern civilization, but all must grant that he has reëxamined the bases of both civilizations with pick and shovel. Many more will doubt whether Dutch colonial policy, enlightened as it is, has been as much directed toward the synthesis as the writer concludes. And probably few will agree with his underlying assumption that pursuance of the objectives he lays down will save the East Indies for a harmonious union with the Kingdom of the Netherlands in an imperial relationship. The experience of the British Empire with its self-governing dominions, overwhelmingly peopled with men of the same race and culture, hardly warrants such optimism.

Mr. de Kat Angelino is exceptionally well qualified for the task he undertook. He has spent many years in the East Indian service as an adviser on Chinese affairs, and previous to that spent some six years in China in preparation for this work. During the past few years he has been attached to the ministry of colonies and has represented his government at many important international conferences. It must not be assumed that because of his government connection these volumes are semi-official propaganda, for government officials in the Netherlands are free to criticize their government, and exer-

cise that freedom to a degree unknown in this country. Dutch colonial officials seek to overcome their military weakness by a thorough knowledge of native society, and for this purpose they are well equipped by their academic training. They take a scientific interest in their work, and Dutch colonial literature is, as a result, remarkable for both its quantity and its quality. This wealth of literature Mr. de Kat Angelino has thoroughly digested. He brings to his work a fine sociological and philosophic insight. This study is fortunately to be made more widely available by an abridged English translation which the reviewer understands is shortly to be published.

AMRY VANDENBOSCH.

University of Kentucky.

The Philippines, Past and Present. BY DEAN C. WORCESTER, with footnotes by RALSTON HAYDEN. (New York: Macmillan Co. New edition, 1930. Pp. xii, 862.)

Worcester's record of conditions in the Philippines, based on his study while they were still under the control of Spain and his fourteen years of experience as a member of the Philippine Commission, has become the accepted account of the accomplishments of the United States in the Islands. This new edition, except for minor excisions, presents the author's original text. Footnotes by Ralston Hayden supplement the record by statements of changes since the volume first appeared in 1914.

Additions to the book are an eighty-page biographical sketch of the author, thirty-five pages discussing developments since 1914, and appendices discussing special phases of recent developments. The biographical chapters are an excellent short-length portrait of Worcester as the distinguished colonial administrator that he undoubtedly was. Few men, if indeed any others, have made so enviable a record in service in the territories outside the continental United States over which the republic has come to exercise control since the turn of the century.

The discussion of the period since 1914 is chiefly political and suffers from the limitations which are felt in all contemporary estimates. The author keeps a non-partisan viewpoint, but does not hesitate to point out the mistakes which were made at the inauguration of the Filipinization program. How serious these were it is still difficult

to estimate. The interpretation of the Jones bill as a measure intended to sanction giving to the local population complete freedom of action except in affairs involving external sovereignty undoubtedly was a serious mistake. Development of "Filipine institutions" of an extra-constitutional sort soon brought about a highly unsatisfactory state of affairs in which public services became exceedingly inefficient and public finances were dangerously unsound.

Only the vigorous assertion of a greater degree of American control prevented a demoralization which would have brought the loss of much of the advance which the coöperation of Filipinos and Americans had achieved in the decade and a half following the cession of the Islands. The steps taken by General Wood and Acting Governor Gilmore the author considers to have done much to bring back the character of administration to that of its best years, a standard somewhat relaxed in the governorship of Mr. Stimson. In the period since 1921, however, the Filipinization of the personnel of the government forces, it is shown, has not been abandoned, but the improvement achieved has been through more vigorous insistence on standards of efficiency by a smaller number of Americans in coöperation with able Filipino associates.

CHESTER LLOYD JONES.

University of Wisconsin.

Porto Rico and Its Problems. BY VICTOR S. CLARK AND ASSOCIATES.
(Washington: The Brookings Institution. 1930. Pp. xxxv, 707.)

This volume is the report of a survey of Porto Rico made in 1928-29 by the Brookings Institution. The survey director was Dr. Victor S. Clark, former editor of *The Living Age*, and the author of *History of Manufactures in the United States*. With Dr. Clark were associated Dr. Frederick H. Newell, president of The Research Service, Inc., of Washington; Professor J. A. Dickey, of the University of Arkansas; Professor Erich W. Zimmerman, of the University of North Carolina; Mr. Hugh J. Reber, formerly of the American Financial Commission in Persia; Dr. Frank Tannenbaum, author of *The Mexican Agrarian Revolution*; and Messrs. Henry P. Seidemann and Charles L. Dearing, of the regular staff of the Brookings Institution. Collaborating with this able group in making the analysis of the problem and formulating the recommendations was a committee consisting of Cleona Lewis, Leverett S. Lyon, Harold G. Moulton, Edwin G.

Nourse, and William F. Willoughby. The director of the survey and Dr. Willoughby both brought to the task in hand extensive experience in the government of Porto Rico. The former was commissioner of education during the early days of the American régime; the latter served successively as treasurer of the Island and as insular secretary and president of the executive council from 1901 to 1909.

The survey, the authors state, is "primarily a study of the possibilities of a more effective utilization of the island's natural and human resources." Detailed studies have been made of the economic, sociological, and political aspects of this problem, and definite recommendations are made for its solution. The fundamental conclusion of the investigators is that excessive growth of population lies at the root of Porto Rico's economic difficulties. Low wages, unemployment, and inadequate subsistence have followed the unchecked increase in the population of the island. The condition of the masses of the people remains deplorable. Ignorance, disease, lassitude, and general hopelessness mark the *jibaro* now, as in 1898. Although the standard of living, on the whole, "appears to be somewhat higher than it was thirty years ago, there is no evidence to indicate that it has been improving in recent years. Indeed, it is possible that since the war period conditions have grown gradually worse."

Emigration, the more effective utilization of the physical resources of the country, industrialization, and improved marketing facilities are the chief remedies suggested. Industrialization and highly organized production call for the additional investment of mainland capital and other external stimulants. They also demand the training of the people in a new kind of life. Definite suggestions are made as to progress by these means. But, after all, "the people of Porto Rico . . . have bred up to—and indeed beyond—the normal subsistence line. It is useless to blink the fact that as long as this continues, permanent economic betterment for the masses is impossible. Education in parental responsibility (Is this a euphemism for birth control?) provides the only remedy."

Among the political changes that the survey has suggested are: the creation of a unicameral legislature, the abolition of senate confirmation of the governor's appointments, a redefining of the duties of the auditor and provision for his becoming a deputy appointed by the comptroller-general of the United States, improvement in budgetary procedure, a fundamental readjustment of the jurisdiction

and function of the municipal governments, a repeal of the futile 500-acre law applying to corporations engaged in agriculture, and an extension to Porto Rico of all federal aid now given to states under the Smith-Hughes and other similar acts.

The authoritative study that has been made by the Brookings Institution should bring forcibly to the attention of the American people and the government the painful fact that after thirty years of American sovereignty in Porto Rico very little permanent progress has been made toward placing the inhabitants of that island upon a plane of life which might be regarded as the absolute minimum for citizens of the United States. Modern scientific research has clearly stated the problem, set forth many of the facts, and suggested methods of solution. It will now be interesting to observe whether, as was the hope of its originators, this study will be made the basis of political and economic action.

RALSTON HAYDEN.

University of Michigan.

Liberty and Despotism in Spanish America. BY CECIL JANE. (Oxford University Press. 1929. Pp. 177.)

Mr. Jane's thesis is that the character of Latin American governments is explained by the devotion of their peoples to the ideals of individualism and efficiency—ends which for people of Spanish background, though eagerly sought, have been incompatible. He finds that in Spain itself and in the colonies political organization has divided on these opposing principles, that one party regularly espouses the cause of individual rights, even to the point of opposing all restraint, while the other is so devoted to the cause of good government that it is willing to yield almost any degree of authority to him who can show himself capable of securing results. The interplay of these influences alternately in control, or evidenced at the same time in different districts, is given as the cause of the retarded and irregular development of the Spanish colonial system and of the turbulent history of the Spanish American states.

Whatever the disadvantages resulting, these two ideals, distinctively Spanish, will, it is argued, continue to dominate the governments south of the Rio Grande. The revolutions which brought the breakdown of the old colonial system rose from an assertion of Spanish ideals against others which had come into control in the mother country.

British, French, and North American influences were negligible in bringing the change, and have continued so since the establishment of independence. Spanish political ideas have always been dominant. Local government was vigorous in the colonies, and from it almost alone were taken the elements which found their way into the constitutions and legislative practices, though it be true that in form, but in form only, the phraseology of the former shows an adoption of the foreign models.

The author has given an excellent demonstration of the rôle of the two phases of Spanish idealism in the governments of the new world, but to many it will seem that he has emphasized them to so great a degree that other factors which help to explain the character of Spanish American governments are neglected. Generalizations as to their character, indeed, both in the colonial era and in our own time, are in themselves deceptive; for in many respects the influences which have shaped, and shape, them are highly diverse. Guatemala and Argentina, Costa Rica and Paraguay, are all Spanish American states, but the influences that determine the degree to which liberty and despotism are found within them are by no means uniform. Latin American governments are like a large fabric in which in different portions appear materials of different colors and composition. There is, throughout, the warp of Spanish influence, but it does not uniformly influence the product. The character of aboriginal stocks, immigration, natural resources and their development, communications and commerce—these, among other factors, influenced greatly the character and development of Spanish American governments in the colonial régime and are in our own day of increasing significance in determining the degree of liberty and despotism found within them.

CHESTER LLOYD JONES.

University of Wisconsin.

History of Chinese Political Thought. BY LIANG CHI-CHAO. Translated by L. T. Chen. (New York: Harcourt, Brace and Co. 1930. Pp. 205.)

This volume is compiled from a series of lectures delivered by Liang Chi-Chao to students of law and politics in 1922. The first part of the book consists of a study in history and theory of the origins

and nature of Chinese political philosophy as it was developed by the outstanding thinkers of the late Chou and Tsin periods (550 to 220 B.C.). Here we find summarized and analyzed characteristic thought of the Taoist, Confucian, and Legalist schools, with special chapters given over to Mencius, Hsun Tzu, and Moti. The chapter on Moti is especially worth while. Liang discriminates to a fault between what he considers genuine and spurious in these classics—an important discrimination, to be sure, to a student of history, but a discrimination which mars correct conclusions in regard to political theory, for spurious interpolations are, in the main, for studies in theory, as valid as the genuine originals.

The second part of the book consists of essays arranged so that the doctrines of the masters are brought out in connection under such headings as: "On Chinese Theocracy," "On Democratic Ideals," "Politics and Ethics," "Unification Movement," "Disarmament Movement," and "On People's Rights." To the average reader, the first part of the book will be more interesting, but to the student of political thought the second part will prove more valuable. Much that is in the first part has been available in English for some time. The second part gives a Chinese scholar's confirmation of many conclusions which Western students of Chinese thought have already drawn.

Important as the contents of the volume are, the authoritative conclusions of the writer are even more important. Mr. Liang (1873-1929) was a great scholar and a reformer. When only twenty-five years old, he was called to the presidency of the Hunan Provincial College at Changsha. During the period of Kang Yu-Wei's proposed reforms in the last decade of the nineteenth century, and during the time he wrote while in exile before 1911, no writer on politics influenced Chinese contemporary thought more than did Liang. He lived and died a Confucianist. He could, therefore, be described in present-day political terms as a constitutional monarchist. In fact, in 1911, after the overthrow of the Manchus, he organized the Constitutional Monarchy party as a rival in the republic to Sun Yat Sen's Kuomintang. When, however, Yuan Shih-Kai attempted to restore the monarchy, with himself as emperor, Liang was found among his opponents. Liang held office under the republic in 1914 and in 1917, each time for but a brief period. His outstanding contribution to Chinese scholarship is that for which we have mildly

criticized him above, viz., his exactness in dealing with historical material. He has applied scientific and critical methods in the study and the teaching of the Chinese classics.

The translating has been well done. It was a happy thought of Mr. Chen to add a glossary of Chinese characters. Until transliteration has become standardized, the glossary will always remain a necessary aid. The purpose of Liang's lectures and the spirit of their presentation may be shown from the following paragraph taken from the book's preface: "During the last two decades China has tried to transplant, one after another, the political institutions of Europe on to her own soil. Constitutional monarchy has been tried, republicanism, confederacy, sovietism; all have been tried as though China desires to try every form of existence. In reality, nothing but the name has been introduced, and confusion is made more confounded. For when an institution whose roots are not among the people is introduced from the top, it is like plucking the flowers of a neighbor to embellish the dying branches of one's own tree; there can be no life. The bitterness of disillusion now drives her leaders to rally under the banner of a reconstruction of thought. This requires a constructive effort. In order to cast out the old, there must be a satisfying new to take its place, or society would fall into scepticism, and would revert to the inertia of traditional thinking. The reconstruction of China's thought is not to be accomplished by the wholesale transplantation of the thoughts of another society; it must follow the natural development, and must begin with the proper retention of elements of the old social heritage."

In this day of China's strife and turmoil it is refreshing to get back to the great fundamentals!

ELBERT D. THOMAS.

University of Utah.

The Development of American Political Thought. BY WILLIAM SEAL CARPENTER. (Princeton, N.J.: Princeton University Press. 1930. Pp. vi, 191.)

This brief volume does not aim to trace the development of American political thought throughout the whole period of American history. Neither is it interested, primarily, in the controversial issues of American politics. It is concerned, mainly, with the process by which the liberal thought of seventeenth-century England, transferred

to America, was adapted, under the conditions of a new country and the experience of self-government, into those fundamental doctrines upon which the American system of government was based.

The first chapter, entitled "Contract and Controversy," deals with the colonial controversies over the relation of church to state, and with the importance of the concepts of natural law and of social contract in early American thought, especially in the period preceding the American Revolution. The second chapter, entitled "The Balance of Power," discusses the theory of separation of powers and of checks and balances in government, and gives examples of the application of these principles in the qualifications for voting, the system of representation, and the relations among the various departments of government.

In the third chapter, "The Foundation of Democracy," the author discusses the ideas of the men who were most influential in framing the American Constitution, and shows how some of the compromises in that document resulted from the diversity of opinion between aristocrats and democrats, and between the supporters of a strong government and the believers in states' rights. He makes it clear that most of the leading thinkers of that period were doubtful of the political ability of the masses. The following chapter, "American Individualism," shows the early association of individualism with democracy, resulting from the economic conditions in America, the prevalent belief in natural rights, and the influence of the Physiocratic economics. The author traces the breakdown of the individualist policy after the War of 1812, especially in connection with the tariff. Finally, the association of individualism with the interests of the slave-owners marked the death of the doctrine and the adoption, instead, of the theory of majority rule. The next chapter, "The Principle of Majority Rule," traces the gradual adoption of the democratic principle in the widening of the suffrage, and the final attempt of Calhoun to prevent majority control. A final chapter, entitled "Some Recent Tendencies," discusses the American doctrine of sovereignty and of law.

This book is a scholarly study of some of the fundamental concepts in American political theory, and will be useful to all students of American history and government. The footnotes contain valuable references to source material. As a treatment of American political

thought, however, the volume is decidedly sketchy and needs to be supplemented by wide reading.

RAYMOND G. GETTELL.

University of California.

Nationality, its Nature and Problems. By BERNARD JOSEPH. (New Haven: Yale University Press. 1929. Pp. xxiv, 380.)

Dr. Joseph's book is at once an analysis of the elements which contribute to a sense of nationality and a justification of it as a principle in accordance with which the human race can be organized into homogeneous groups. It is important in this treatment to note two points. Mr. Joseph distinguishes between nationalism and the sentiment of nationality. The former he endeavors to define as either the historical process of establishing nationalities as political units or as "a movement to manifest the sentiment of nationality." Further, he sharply distinguishes the concept of nationality from that of citizenship of a state and of "national sovereignty," and maintains that the only hope of peace and order is to be sought in recognition of the principle that several nationalities may live together in harmony and coöperation within a state, each following its own national life.

It is questionable whether Mr. Joseph can make good his distinction between nationalism, the sentiment of nationality, and the sentiment for a territory. He himself admits that patriotism "maintains national consciousness" and also involves devotion to one's "country." The three ideas become linked. We are not, however, entitled to stamp with approval a sentiment unless we have first taken into account its probable abuses, as well as its uses, in a political utopia. Mr. Joseph endeavors to prove that since wars flourished before the sentiment of nationality became dominant, war cannot fairly be regarded as a consequence of nationality. But surely this is a *non sequitur*, if we mean that the sentiment of nationality cannot be regarded as one major cause of wars. As Mr. Joseph himself says, "a business man in developing his own establishment receives encouragement from the feeling that he is sharing in the conquest of a foreign market for his country." He does indeed!

It may, of course, be replied that whether we approve or disapprove of nationality does not affect a description of its nature and problems: it exists whether we like it or not. Mr. Joseph, however, chooses to essay an "estimate of nationality." Further, it may be doubted

whether nationality exists in the sense in which a pound of butter exists. It is one of those things of which "thinking makes it so." As Professor Hankins most excusably says, "nationality is not readily definable." In chapter after chapter, Mr. Joseph analyzes the elements of nationality—race, language, territory, and the rest—and in each case he has to admit that the element is not entire, indispensable—is not, in fact, an element. It is a factor conducive to building up a sentiment. In the end, Mr. Joseph is driven back to something like Renan's conclusion. It is (in part) "the subjective corporate sentiment permanently present and giving a sense of distinctive unity to the majority of the members of a particular civilized section of humanity, which at the same time objectively constitutes a distinct group by virtue of possessing certain collective attributes." The point is that these collective attributes which the plain man thinks go to constitute nationality, and about which the popular press fans his sentiment, are, in many cases, speaking scientifically, sheer illusion. We are dealing with a sense of common tradition, a "characteristic mode of thought and life." "Nationality" in Trieste and "nationality" in Chicago mean almost entirely different things, by all external tests. Nationality is not something that exists objectively, but rather a sentiment, attaching itself fitfully to objective things, which sentiment can be "played up" or "played down" by national leaders and popular propagandists. A nationality, as distinct from the sentiment of nationality, simply denotes the group of people, organized or not, who admit to the sentiment or have it imputed to them.

Many of the exponents of the virtues of nationalism (I use the phrase advisedly, merely as synonymous with the rational principle of the sentiment of nationality—there may be a temperate nationalism) most properly point out that the civilization of the world is impoverished when no "little platoon" is permitted between the individual and cosmopolitan humanity, that nothing is gained by denying the contribution to the variety of civilization of groups of like temperament and tradition who wish to live together (including even all Indians, who do not constitute, in Mr. Joseph's opinion, a single nationality). No reasonable person wants to minimize the value to the world of a sentiment for community, founded on like-minded grouping. One wonders whether the moderate exponents of the importance of nationality mean anything more. But when nationality is elevated, as it might well be on one territory by Arabs and Jews

in Palestine, to a sacred principle of duty to the particular racial "we-group" to which one happens to belong—whether not necessarily embodied in a sovereign state (as Mr. Joseph would have it) or so embodied—it cannot be too emphatically stated that the principle is most pernicious. There is such a thing as a very legitimate racial pride, but it is a bad master if a good auxiliary. Inconsistent with the individualistic American tradition, despite such writers as Mulford, it is yet the peculiar and threatening despot of our time Leviathan baptized by sentiment. Mr. Joseph, indeed, wants to demonstrate "the independence of nationality and politics" and that a strong sentiment of nationality need not spell nationalism. I confess, however, that it is long since I have read a book with the conclusions of which I so profoundly agree and of which the argument renders me more unhappy. I fear that Mr. Joseph cannot take the sugar of "the sentiment of nationality" without the bolus. Moreover, the dust-cover tells us that "at a time when international ideas seem to be superseding those of nationalism, this message comes as an arresting argument against the change." We hope that Dr. Joseph's publishers malign the argument in what G. P. Gooch so rightly introduces as a suggestive and scholarly book.

GEORGE E. G. CATLIN.

Cornell University.

The Dangers of Obedience, and Other Essays. BY HAROLD J. LASKI.
(New York: Harper and Brothers. 1930. Pp. 293.)

Most of these essays are here reprinted from *Harper's Magazine*. They are difficult to criticise adequately, for they are discussions of some intricate questions of special interest to the political scientist, yet are addressed to the lay reader. Thus, "The Dangers of Obedience," the title essay, is good J. S. Mill; "The Recovery of Citizenship," a brief exposition of functionalism, for Little Feet; "Can Business be Civilized," R. H. Tawney for the *Harpers'* readers; "The American Political System," an introduction to Bagehot, Mill, and the Wilson of *Congressional Government* on the subject. Curiously enough, this last essay seems to take a literary view, in Bagehot's phrase, of the constitution. It is all there as set forth by the writers listed above, but with no apparent recognition of the fact of the new budget arrangements, the rise of "group representation," the increasing and decisive importance of the departmental

experts, or, finally, of the fact that the industrious and intelligent member of either house can, contrary to Professor Laski's view, play a very important part indeed in Washington government through getting to know his subject thoroughly and making that knowledge count in committee and even on the floor. It is worth noticing, also, that there are British writers who are calling for a scheme of committees in the parliamentary system, for a fixed term of Parliament without dissolution, and other American devices; while the recent experiences with the parliamentary system in many states suggests that there is yet room for political invention. While this sentiment may be due to subjective American nationalism, at least one can suggest that the question now needs further exploring than the writings of the last century permit, as McBain and Becker have indicated.

For one thing, as indeed an English writer, Mr. Smellie, has recently pointed out, it may be possible to utilize the presidential system in such a way as to bring large functional groups outside the political organizations (narrowly defined) into the national political life through the cabinet, and relate them to the ordinary political and party leadership as reflected through Congress. This seems to be an aspect of President Hoover's present policy. Certainly it is interesting that Professor Laski, who argues for functional representative institutions in some relationship with parliamentary ones, should not explore the apparent inability of the two kinds to develop satisfactorily alongside one another. In fact, except for the supremely gifted publicist, the essay written for a considerable audience is not the most satisfactory form in which to discuss problems so complex and puzzling.

The three essays on academic problems will be of great interest to teachers. Those who have had the good fortune to study under Professor Laski will feel that in the essay "Teacher and Student" are some truths often displayed in his own generous sharing of his time and energy with those who evinced any interest in books and ideas. One could profitably push him a bit further, certainly, concerning the somewhat conventional view which he takes as to the proper subject-matter of a liberal course of study; but on materials and attitudes he says much for us all to ponder frequently, and perhaps it might be added that new and useful experience is being accumulated on these matters at several institutions in this country.

"The Academic Mind" is slighter; one says "Of course," and goes on to the next article, which is an attack upon foundations and the present apparent direction being taken in the social sciences in this country. The numerous criticisms that have been raised by many individuals are here set forth in brief compass. Here again one wishes for more extended exploration of a problem that is not at all simple unless viewed arbitrarily in terms of an older university—and social—era. Naturally, we should all, with Professor Laski, prefer to have Professor Turner's judgment concerning a book and article to that of an abstracter (such as the present prejudiced reviewer!), but several thousand frantic teachers, attempting in vain to keep abreast of the flood of writing, may be grateful for every aid possible when they cannot all turn in person to one of the outstanding scholars of his time and country. Even Bentham had independent means—and Lord Shelburne! The important question, however, which is not discussed in this essay has to do with the fresh reconsideration of method and objective in our studies; and it is possible that even when such efforts are costly, wasteful, and full of error, they may nevertheless contribute toward stimulating just that keeping alive and pioneering in scholarship which Professor Laski would agree is essential to the good teacher.

As to the influences of the foundations on the universities (as compared with that of the clergy, professional groups, taxpayers, and numerous other groups), probably we do not have any very certain knowledge as yet except in limited fields such as medicine. This needs to be examined in comparison with other external influences upon the university and in the light of the rôle of the university in national and international life. Professor Laski elsewhere in this volume remarks, in passing, upon the fact that the syndicalist control at Oxford and Cambridge has had to yield at intervals to state commission intervention; and there are problems peculiar to university organization in this country, growing out of our vast areas and the absence of any single cultural capitol, which the Social Science Research Council may be able to attack freshly. Again, in Professor Laski's essay on "Equality" the ultimate argument is based on psychological grounds. Is it absurd, then, for the political scientist to turn to this discipline and to a study of the method of the natural scientist in order to get some new insight on methods and content that have changed so little in two thousand years? As Professor

Frankfurter has written, "The ultimate concern of the social sciences, law among them, is the conquest of knowledge leading, one hopes, eventually to new and important insights into the good life of society. But we are still at the very beginning of this effort, and the methods, the criteria, even the aims of the social sciences, are still at large and still unshapen. There must be every inducement, every encouragement, toward originality, spontaneity, and variety, always provided that men of real capacity are engaged in the enterprise."

So closely integrated are universities and the various aspects of national life in Britain that we must expect considerable departures from that norm in the United States, where conditions are still fluid and reservations and qualifications must constantly be recognized. Professor Laski's essay may serve a useful purpose in forcing us to clarify our views, but we require much further exploration. Granted that "values" are essential to any effective gathering or use of "facts," where do the "values" come from, and how do we acquire them?

University of Wisconsin.

JOHN M. GAUS.

Tenure of Office Under the Constitution. BY JAMES HART. (Baltimore: The Johns Hopkins Press. 1930. Pp. ix, 384.)

John Dewey, Mr. Justice Holmes, W. W. Cook, Judge Cardozo, and Dean Pound have set in motion the main currents in contemporary American thought which Professor Hart has so ingeniously harnessed and forced to labor in the interest of political science. His contribution lies in the fact that he has illustrated "a point of view which is useful, both in the attack upon a political problem and in a critical analysis of the judicial process." The purpose of the reviewer is to give merely a hint of what this self-criticized essay offers in the way of reasonably hopeful suggestions for the rationalizing of certain political and legal processes.

The ultimate concern of the author is to realize the "good" state as expressed in the terms of Dewey's special "publics." His immediate concern is to clarify the power of Congress to provide for public officers impregnated with the proper attitude and equipped with proper methods for making the interest of the "public" effective. Thanks to the economic revolution, "publics" are of late being thrown up at such a rapid rate that the necessary coercive powers of government have not had agencies capable of effectively wielding them.

Legislative-and-court administration has had to give way, in large part, to administration of agencies built up in the general executive. Of these there are two types, the imperfectly judicialized and the politico-bureaucratic. The author insists that the personnel of those regulatory agencies applying policies which affect private individuals and interests should approach their problems with the scientific and judicial mind. He thinks that the scientific approach could be approximated by the selection of men scientifically trained in the field involved; by the establishment of conditions that would enable them to relate decisions to facts; by the use of the scientific method of thought as summed up in Dewey's "reflective thinking in action." To be judicially minded "is nothing more or less than [to have] the scientific attitude in the field of practical affairs." It means the possession of an attitude actively hostile to cruder forms of favoritism; complete independence from political pressure; objective consideration of problems underlying conflicting interest; decision based on reasoned judgment; the relation of decision to "the evidence, to the best obtainable opinion, and to cumulative experience." Of all the factors conducive to the scientific attitude and the judicial mind, independence is the most important; it is the key to the perfect state.

In Chapter VI is found this statement: ". . . expediency seems to dictate that Congress should have power to guarantee independence of tenure. The Constitution being silent, there is only one prior decision that could be considered to be in point: the opinion in the Myers case claims that Congress has no such power. But consideration of the case shows that a strict application of the doctrine of *stare decisis* gives us a 'rule' narrow enough to enable us to distinguish ours as a 'new' case." In the "new" case where conclusive precedents fail and history and practice are ambiguous, the interpreter of the Constitution must see that the "heart of the case" is the selection of the premises, not a problem in deduction. This choice, in terms of reflective thinking, is only the "dramatic rehearsal (in imagination) of possible lines of action." Where all available evidence conflicts with what appears from "the times" to be sound social policy, the judge should choose the alternative calculated to lead to the most desirable consequences. It is in applying this scientific method that Professor Hart forces the Constitution to yield to Congress the necessary conditioning power over tenure and removal.

Williams College.

JOHN P. COMER.

The Public Control of Business. BY DEXTER MERRIAM KEEZER AND STACY MAY. (New York: Harper and Brothers. 1930. Pp. xi, 267.)

This is a clear, concise, temperate discussion of the important problem of government control over business. The book contains ten chapters in which the legislative, judicial, and administrative aspects of government control are reviewed. Business is made to include the "trusts," the public utilities, and miscellaneous economic organizations, such as insurance and banking companies, boards of trade, trade associations, trade unions, and farm coöperatives.

The general impression left in the reader's mind will be that the courts have added confusion instead of clarity to the anti-trust laws, and have placed restrictions in the way of administrative control of the public utilities. As to this, there can be little doubt. But behind the courts, of course, are the members of the legal profession. And the latter have had no small part in persuading the courts to adopt the many conflicting rules which at present constitute such a great hindrance to the understanding of the law.

As to the Federal Trade Commission, readers of *Public Control of Business* will no doubt conclude that this commission should be rescued from the hands of the courts by an act of Congress. And, as to the Interstate Commerce Commission, the courts, by their recent valuation decisions, will be seen to have called in question most of the important work which has taken the commission fifteen years to accomplish. Moreover, readers of Messrs. Keezer and May's book will conclude that the courts have reviewed the work of the state utility commissions to such an extent that state regulatory bodies have lost whatever dignity they may once have possessed.

The relaxation of our anti-trust laws in recent years has resulted, in large measure, from extreme national sentiment which has spread throughout all the nations that engaged in the late war. The newer competition seems to be that of nation against nation. In such a condition of affairs, combination at home has been encouraged rather than opposed. In the confusion of the times, we have witnessed our own government relaxing its efforts to bring the violators of the law to justice. This is a phase of the control of business which the authors—purposely, no doubt—leave untouched, but which, nevertheless, is an important factor in understanding the present situation.

All in all, the book is a real contribution to the field of government control. It will be helpful to students of economics, as well as to

students of political science. It aims at, and succeeds in, describing accurately the present confusion in the law of government control.

E. W. CRECRAFT.

University of Akron.

Methods and Status of Scientific Research, with Particular Application to the Social Sciences. BY WALTER EARL SPAHR AND RINEHART JOHN SWENSON. (New York: Harper and Brothers. 1930. Pp. xxi, 533.)

"Beginners, who know little or nothing of the principles of scholarly research, rely on instinctive methods which ordinarily are not rational, and consequently do not lead to scientific truth. It is imperative, therefore, that scientific investigators become acquainted with the principles of scientific methods of investigation. This book is designed for the beginner in research, particularly for college seniors and for those who are expecting to engage in research leading to the master and doctorate degrees in the social science fields." The foregoing statements are quoted from page 9 and the preface of this surprising text by two professors at New York University. The authors have dealt a body blow at instinctive research, if the compilation of a large variety of usages and precepts which *ought* to be part of the equipment of every sophomore will accomplish it.

The surprise which the reader is likely to feel as he first dips into the volume will probably be due to the expectations built up by the title. The authors have undoubtedly become saddened and pessimistic by much experience with student essays. Their book will be useful, because sophomores, not to speak, alas, of seniors and graduate students, do not in most cases possess the equipment they ought to have. As a manual of scholarly usages, as an introduction to the utilization of library materials, as a treatise for beginners on the writing of reports, as an "authors' book" on the handling of manuscripts, it leaves little to be desired. But one is not prepared to find a compendium of such matters in a treatise on scientific method or scientific research. The author's concepts of these terms are not clearly stated.

Again consulting the preface, we note that the authors seek "to provide the novitiate in research with the three most valuable tools necessary to successful research: (1) the principles of critical scholarship which appear to be most generally acceptable among the leading scholars of the world; (2) the proper technique to be used in applying

the principles of scientific method; and (3) a general knowledge of the status of research today in those fields in which the social scientist does the major part of his research. Above all, it is the purpose of this book to give the beginner in research that proper attitude of mind without which he cannot hope to produce scholarly results" (p. v).

Some of the principles developed in carrying out the first two of these objectives are the following, selected not quite at random: "As the exclamation mark is used after interjunctory phrases, clauses, or sentences expressing invocation, entreaty, command, passion, wonder, emotion, surprise, contempt, or irony, its use should be avoided in research" (p. 311). "Many gaps in one's information may be filled by consulting encyclopedias, almanacs, yearbooks, statistical abstracts, and similar publications" (p. 149). "Books are arranged on the shelves from left to right, and from the top shelf down, by their classification numbers in the order of their magnitude" (p. 161). "Annual cyclopedias and almanacs present annually up-to-date information and statistics on political, economic, social, scientific, and other problems" (p. 169). "In the choice of words the writer should use those that the probable reader will understand with the least waste of time and thought" (p. 323). "If one or more pages are to be eliminated after the copy has been numbered, the numbers of the omitted pages should be added to the page preceding the omission" (p. 299). "Usually a contract includes terms which require the author to bear a certain proportion of the cost for making corrections. On this point the author should have a clear understanding with the publisher, otherwise disappointment and disagreement may result" (p. 353).

The last 150 pages contain an excellent résumé of the organizations, public and private, at home and abroad, which are engaged in social research.

But the reviewer hesitates to criticize, for a warning finger is projecting from page 72: "Those who receive books for review should take stock of their capacities honestly and if they know the book is beyond their depth or field of major interest they should return it to the publisher or write a harmless descriptive review. It should be needless to say that in scholarly reviewing all the principles of critical scholarship are applied and nothing short of a mastery of these will make the reviewer competent. . . . Perhaps some good

could be accomplished if the author whose work suffers unjustly at the hands of the reviewer would adopt the plan of exposing the reviewer through the medium of the same periodical in which the review appeared." The reviewer must conceal his trepidation regarding this latter suggestion. He will hope that the editor's space has all been allotted. But if his review were not a piece of scientific research he would be tempted to conclude with that ejaculatory punctuation mark the use of which in scientific work, as noted above, should be avoided.

STUART A. RICE.

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Modern Political Constitutions: An Introduction to a Comparative Study of Their History and Existing Form. BY C. F. STRONG. (New York: G. P. Putnam's Sons. 1929. Pp. xviii, 385.)

This short sketch of the constitutions and constitutional law of a number of modern governments was prepared to furnish an introductory text-book for beginning students in political science. In an attempt to treat so extensive a field, it is necessary to generalize without giving due weight to the relevant facts and without sufficient recognition of variations due to different racial and political environments. The treatment of the government of the self-governing dominions is predicated upon narrow legal theories which do not accord with political practice. It is stated, for example, that the reserved powers of government are left with the federal authority of the Dominion of Canada, a proposition which no longer accords with the actual status as to the relations of the powers of the Dominion and the provinces.

The method of generalizing with little basis in fact or evidence is illustrated by the brief treatment of federalism in South American countries. A few pages on this subject contain the usual type of misinformation which elementary texts on government give regarding constitutional jurisprudence in Latin American lands.

The author aims throughout the volume to place the emphasis on the unwritten constitution, the customs, conventions, and understandings which arise in the development of constitutional law; but a distinction is made as between flexible and rigid constitutions, based upon the method of amendment, which seems too formal and impractical.

It is strange that, in the present condition of the teaching of political science, a book of this type should be published and advertised as a basis for the study of political science for beginners. Such an introduction to the subject would not be likely to inspire confidence in the scientific basis of politics.

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BRIEFER NOTICES¹

FOREIGN AND COMPARATIVE GOVERNMENT

Germany's Domestic and Foreign Policies (Oxford University Press, pp. 111) contains a series of six lectures given at the Williamstown Institute of Politics by Otto Hoetzsch, professor of history and international relations at the University of Berlin and member of the German Reichstag. A brief but interesting survey is here presented of the political and economic problems confronting post-war Germany. Coming from one of the leaders of the conservative National People's party, this booklet naturally presents the conservative's point of view toward the conditions imposed by the Versailles treaty. Professor Hoetzsch, even as one of the least conservative of his party, finds the establishment of permanent peace and economic rehabilitation in Europe unlikely without some readjustment of boundaries and reparations. Only then, in his view, can the League of Nations, the Locarno treaties, and the Kellogg Pact have their full application. As an authority on Russian history, Professor Hoetzsch makes interesting comments on the "Eastern Question" affecting German foreign policy, even if the views expressed are no longer those of an historian but of an active politician. The irreconcilable opposition to the Polish Corridor, an issue upon which most German parties agree, is candidly expressed. The general German attitude toward Upper Silesia also finds frank utterance, although Professor Hoetzsch has preferred to apply history in a spirit not altogether historical, for example, when he implies that the non-German population of Upper Silesia is not necessarily Polish but Slav (p. 105). Some deviation from the objective approach is also to be noted in his dis-

¹ In the preparation of the Briefer Notices, the editor in charge of book reviews wishes to acknowledge the assistance of Dr. E. P. Herring and Dr. M. W. Royse.

cussion of the *Anschluss* question, in which a unanimous desire for the *Anschluss* is subsumed to exist among the Germans and Austrians, whereas, in fact, the question is somewhat of an issue in both Germany and Austria. Nationalist bias is also apparent in his total ignoring of the part played by Ebert in the trying post-war period, the author confining his praise exclusively to President Hindenburg. The booklet is of interest, however, as an expression of the less conservative wing of the National People's party.—M. W. R.

General von Seeckt, the author of *The Future of the German Empire* (Dutton, pp. 188), is one of the strong men of post-war Germany, a man who has done not a little to guide the country through the trying years of revolutionary agitation and political overturn. In this little book he discusses the German problem in the light of his experience and sets forth his views of a sound German polity. There is little in the volume that could be properly called theory, for the author approaches his subject as a realist and man of action. Chapters dealing with economic, social, and ethical problems are followed by a more detailed examination of governmental problems—federalism and particularism, administration, the bureaucracy, and the parliamentary system—and by a discussion of questions of defense and foreign policy. The concluding sections are devoted to the position of the citizen and to an analysis of the executive power. In general, it may be said that Seeckt stresses the claims of nationalism as against the sentimentalities of internationalism, and that he advocates a strong form of government as being best suited to the development and integration of the national forces. There is nothing especially novel about the views advanced, but the book is written with strength and sound appreciation of the realities of German political and economic life. As an antidote to loose idealism, the volume should prove stimulating.—W. L. L.

The *Frankfurter Societäts-druckerei* has just published the third volume of what seems to the reviewer a very stimulating general history of Germany up to the Revolution of 1918, called *Politische Geschichte des Neuen Deutschen Kaiserreiches* (pp. 491), by Johannes Ziekursch. This third volume covers the reign of William II. It is written in a readable style and with pleasing detachment. Vivid characterizations of the most important personalities help the reader

to form a picture of the course of events. The standpoint of the author is broadly sympathetic to the République, not on general grounds, but rather on the ground that it is the adequate political form for modern Germany. As a result, it is not marred by any lack of understanding of the historical significance of the monarchical constitution which preceded the present one. The necessary criticism of the vicissitudes of pre-war German politics and diplomacy are tempered by a strong national sentiment which does not, however, detract from the historical veracity of the book. The volume can be recommended highly to any one interested in a sympathetic account of German internal and external history during recent years.—C. J. F.

Greece Today, by Eliot G. Mears (Stanford University Press, pp. xxii, 336), deals chiefly with the economic and social problems of that country, with special reference to the problems presented by the influx of one million and a half destitute refugees. The author served for a time as American trade commissioner in Greece, and therefore is in a position to write with authority. Students of government will be interested primarily in the chapters on "Public Finance" and "Politics and Foreign Affairs." The author expresses the opinion that "the most remarkable foreign influence in the Hellenistic Commonwealth since the 1918 armistice has been that of the United States of America." This growing prestige is not easy to explain, but may be attributed to "the early encouragement of the Greek cause by President James Monroe, John C. Calhoun, Henry Clay, and Daniel Webster, and to the action of President Wilson in selling the U.S.S. *Mississippi* and the U.S.S. *Idaho* to Greece in 1914, thereby thwarting an almost certain disastrous war by Turkey upon Greece." Also "the influence of Greeks returning home from America, and of Greek students at the American Near Eastern colleges," as well as that of organizations such as the American Red Cross and the Near East Relief, has won many friends for the United States. Professor Mears is an advocate of a federation or alliance of the Balkan states.

Professor George Vernadsky's *A History of Russia* (Yale University Press, pp. 413), first published in 1929, met a real need for an up-to-date and fair-minded text on Russian history. So favorable was the reception accorded to this work by the American public that the publishers have already brought out a second edition, which con-

tains a new chapter on the foreign and domestic policies of the Soviet Union in 1929, as well as an enlarged bibliography. It is practically impossible for the historian to keep abreast of the rapid progress of events in present-day Russia, and the development of certain tendencies indicated by Professor Vernadsky, such as collectivization, has already outstripped his account. Nevertheless, the revised edition of his book remains the most recent, concise, and complete survey of Russian history in the English language.—V. M. D.

In *Soviet Russia*, published by Little, Brown and Company (pp. x, 453), William Henry Chamberlain presents an extraordinarily satisfying work upon a subject that has been woefully manhandled by many recent writers. This study impresses the reader as well-balanced and as unbiased as could be desired. The historical background is sketched in before the author launches into the "living record" of the varied aspects of the Soviet control. The revolution in education and culture, the tragedy of the Russian intelligentsia, the class state, the main currents in foreign policy, the Communist party, and the struggle for the Russian soul are a few of the topics that are treated with understanding and presented in a style skillful and readable.

Administration et Fonctionnaires; Essai de Doctrine Administrative (Maurice Lamertin, Brussels, pp. 380) is a systematic and well written treatise on the civil service of Belgium, incorporating in addition a large amount of comment on systems elsewhere and on theories and problems of administration generally. The author is himself an experienced Belgian administrative official. Seventeen chapters deal with the institutional bases of administration, central and local; eleven have to do with aspects of personnel; seven discuss administrative methods; and one outlines the principal problems of administrative reform. There is a comprehensive bibliography, in which, however, one misses some important titles, mainly American. The book can be read with profit by any student of comparative government and administration.

Les États Balkaniques, by C. Evelpidi (Rousseau and Cie, Paris, pp. 399), is a comparative study of the political, social, economic, and financial conditions of the nations of eastern Europe. The author takes up briefly and rapidly a vast complex of questions, which makes

thoroughness of treatment impossible in any one case. For a general survey, the book has something to offer.

British Budgets (Second Series, 1913-14 to 1920-21), by Sir Bernard Mallet and C. Oswald George (Macmillan Co., pp. 410), continues the valuable earlier work by the same authors which included the budgets from 1887-88 to 1912-13. The two volumes provide in convenient form an admirable presentation of this important material in the field of public finance. By far the most interesting aspect of the present volume is the account of war finance. Included in the consideration of each budget are not only the various proposals, but excellent résumés of the ensuing debates and illuminating comments by the authors on the economic principles involved. The concluding chapters bring together the significant parts of the earlier material and consider them from the economist's point of view.

The term Oriental despotism has become a byword in the West. To be sure, not all the personal governments of the East have deserved the unsavory appellation, but there has been abundant justification for the Western prejudice against the kind of arbitrary rule the term suggests. Those who wish to understand its real nature should consult *Mughal Rule in India*, by S. M. Edwardes and H. L. O. Garrett (Oxford University Press, pp. 374). The chapter entitled "Mughal Administration" is especially enlightening.—A. N. H.

Die Bauernbewegung in der Russischen Revolution 1917 (Berlin, Paul Parey, pp. 206), by Professor S. Dubrowski, contains a long and informing chapter dealing with political parties and the peasantry.

INTERNATIONAL LAW AND RELATIONS

Among the most recent Johns Hopkins University Studies in Historical and Political Science is *The International Aspect of the Missionary Movement in China*, by Chao-Kwang Wu (The Johns Hopkins Press, pp. 285). In the Christian missionary movement in China Dr. Wu locates a root of international complications. His objective and legal approach to a situation regarded by the Chinese as an instance of imperialism cloaked in religious garb, and by Westerners as governed solely by treaty stipulations, is timely and clarifying. The author emphasizes his conclusion that the nationalist movement re-

flects itself most clearly in the tendency of the Chinese to disregard the religious and social aspects of invading Christianity and to view it as an "international political issue." Whatever conventional rights Christian missionaries may legally claim as a result of the toleration articles inserted in treaties since 1842—and these are presented without reserve—the present and future status of foreign religious workers must be influenced by the inevitabilities of rising tides of nationalism and rationalism, China's "new day." Tenacious insistence upon treaty prerogatives has resulted in serious impairment of China's prestige and restriction of her sovereignty. Moreover, fundamental principles of international law concerning the status of resident aliens and state responsibility, applied by the author to the present situation, indicate the legal basis of China's demands for revision of the system of special rights and privileges possessed by mission workers. Dr. Wu believes that if missionary education is to proceed unobstructed by national resentment it must discard its former objectives, too often political, as well as its special treaty privileges, and adopt an attitude more suited to China's new era.—A. E. H.

One of the most subtle aspects of international relations is the activity now referred to officially in Europe as *politique culturelle*, or *Kulturpolitik*, and its relations to those many activities usually springing from private initiative on behalf of international understanding. The treatise which Arnold Bergsträsser has just brought out entitled *Sinn und Grenzen der Verständigung zwischen Nationen* (München: Duncker und Humbolt, pp. 91) will be found unusually stimulating by those interested in these matters. It attempts to draw a line which would mark out a realm within which international understanding may be fruitful. Speaking broadly, this realm is the cultural one in the more limited sense. "Cultural discussion demands that we who undertake to understand a foreign culture experience the full charm of the alien elements of such meeting. [of minds] without losing ourselves in it. It also demands from us that we seek the real gain in a stronger development of our own nature." This sentence suggests the reason why the author is of the opinion that "understanding in the cultural realm is something fundamentally different from understanding regarding some external object or purpose; it is also something decidedly different from the simple good-will which is often confounded with it." He rightly emphasizes that in order to understand others,

we have to understand ourselves. This is an ancient wisdom regarding human relations which has been sadly neglected, when people come to talk about understanding between nations. Bergsträsser's essay is a valuable contribution toward that understanding of international understanding.—C. J. F.

The Little Entente, by Robert Machray (Richard R. Smith, Inc., pp. 394), is an interesting account by an English journalist of the origins, objects, and activities of the Little Entente, a defensive alliance with the primary object of maintaining the *status quo* established by the peace treaties, particularly those of Saint-Germain, Trianon, and Neuilly. Although not a direct apology for the Little Entente, the attitude nevertheless is throughout sympathetic and friendly to the alliance. It is somewhat embarrassing to reconcile the objects of the Little Entente with the new international order, especially with the objects of the League, but the author has apparently satisfied himself that the objects of the Entente are in accord with the spirit and the purpose of the League. In addition to a detailed account of the activities of the Little Entente, the book contains chapters on the pre-war nationality questions and on the dissolution of the Hapsburg Empire, although his conclusions are drawn perhaps too much from anti-Austrian sources.—M. W. R.

Social Psychology of International Conduct, by George Malcolm Stratton (Appleton, pp. 387), is a study of conduct as applied to international relations. The first part is devoted to a discussion of "international behavior," including chapters on the minds of backward and advanced races, on racial prejudice, on race, nation, and nationality, and on the psychological traits underlying their conduct. Part two interprets, from the point of view of the social psychologist, the factors involved in the conduct of nations toward one another. Part three considers the elements necessary in the advancement of international conduct, such advancement, in the author's opinion, being based on constructive education and on the development of the international mind. The nature of the book is that of a text for the use of students in general reading.—M. W. R.

The Evolution of War, by Maurice R. Davie (Yale University Press, pp. 391), is a study of the early stages of the evolution of war, deal-

ing primarily with primitive society, but with brief analogies to modern customs of war. Several chapters are devoted to the causes of war in primitive society, among such causes being land and booty, women, religion, blood revenge, human sacrifice, head-hunting, and glory. There is another chapter on the mitigation of war, applying chiefly to women and children and later to war messengers. The recognition and observance of neutrals and neutral territory is traced back to primitive times. There is a final chapter on war as a factor in societal evolution. The book contains a large number of appendices, which in fact are brief chapters on native customs of warfare.—M. W. R. •

Education and International Relations; a Study of the Social Forces that Determine the Influence of Education (Harvard University Press, pp. 168), by Daniel A. Prescott, of Rutgers University, appears as Volume 14 in Harvard Studies in Education. Political scientists will be specially interested in chapters dealing with national consciousness, class consciousness, the League of Nations, and the interplay of social forces. But the entire volume will repay a reading by anyone interested in public opinion, propaganda, and kindred topics. With a zeal for the subject first kindled by war-time experiences, the author pursued first-hand investigations in Europe through a period of two years. He has produced a book as illuminating as it is readable.

AMERICAN GOVERNMENT

The following are three recent biographies that contain something of interest to the student of politics: *Eugene V. Debs*, by McAlister Coleman (Greenberg, Publisher, pp. ix, 345); *Harvey W. Wiley: An Autobiography* (The Bobbs-Merrill Company, pp. 339); and *Rutherford B. Hayes*, by H. J. Eckenrode (Dodd, Mead and Company, pp. xiii, 363). All of these books are popular in tone and contain a good deal of anecdotal material, some of it amusing, much of it trivial. The reading of certain chapters in these works, however, vitalizes, through an understanding of the human elements involved, certain important events in our political and social history. Wiley's doughty battles for pure food, Hayes in the bitterness of party contest, and Debs' life-long fight for organized labor—such material seems the very warp and woof of politics, and the authors of these biographies spin their yarns in a fascinating way. •

The Democratic Party in Ante-Bellum North Carolina, 1835-1861, by Clarence Clifford Norton, is a publication of the University of North Carolina Press. After briefly describing the economic, social, and political background of the period and the party organization, the author takes up in turn the political issues, the rather acrimonious campaigns, and the exciting elections. The picture is made especially vivid through generous quotations from the partisan press of the time. The period selected for study is of crucial importance because of the great issues then being agitated and because of the developments in party machinery then occurring in North Carolina. The book will undoubtedly prove of value to all who are interested in political parties.

Persons interested in the phenomenal growth of the activities of the national government of the United States will find much of value in Arthur D. Frank's *The Development of the Federal Program of Flood Control on the Mississippi River* (Columbia University Press, pp. 269). The author takes up the subject at the point where the protective work of parishes, counties, and states began to be superseded by national control, and carries it, on political, constitutional, and administrative lines, down to the Jones-Reid Act of 1929, designed to remedy conditions tragically brought to view by the flood of 1927. Engineering technicalities are omitted, and controversies as to general policy are described in full without attempt to dogmatize concerning them. The study is thoroughly documented, and an appendix contains a well arranged bibliography.

John Corbin, in *The Unknown Washington* (Charles Scribner's Sons, pp. x, 454), presents a biography with an original approach. The author is concerned with Washington as a political thinker, and more particularly with his contribution to the framing of the Constitution. This is a matter upon which it is difficult to adduce much direct evidence, and Mr. Corbin proceeds to his task by first attempting to discover the "inward" character of the man and disclose whatever factors explain his attitude toward government. The conclusion is reached that "not only by virtue of titular leadership, but morally, and indeed mentally, he was king-pin of the Federalist System as embodied in the Constitution." Although the author does not make out an altogether convincing case, he has written a rather challenging study, fresh and staunch.

Henry Clay Warmoth takes up his pen to recount in *War, Politics, and Reconstruction* (Macmillan, pp. xiii, 285) the stormy days that he knew in the Louisiana of the Reconstruction period. The author was governor of the state from 1861 to 1873. The volume is valuable to the scholar chiefly for the correspondence of officials and pertinent excerpts from the press that piece out the narrative, though the reminiscent vein and the wealth of personal detail create a human document sturdy and sincere.

Before and After Prohibition (Macmillan, pp. ix, 131) is written by the United States senator from Maryland, Millard E. Tydings. The author believes that "nothing is more necessary than the substitution of actual fact for the maze of generalities, theories, prejudices, and hopes" now current on the prohibition problem. Accordingly he has assembled a quantity of statistical data and other material from governmental sources. "They comprise the best data obtainable. The writer believes that they prove conclusively that the disadvantages of national prohibition far outweigh its advantages." The states should work out their own problems, Senator Tydings finally concludes—which may prove tidings of great joy to the voters of the Maryland Free State!

Recent Trends in American Municipal Government (International City Managers' Association, pp. 38) is in the form of a symposium edited by Dr. Clarence E. Ridley and contributed to by upwards of a dozen leading American authorities on municipal government and administration. Within the smallest space possible are presented outlines and analyses which, taken together, supply a very useful bird's-eye view of American municipal problems and tendencies. Persons familiar with the recent literature on the subject will find little that is new, but even they will be glad to have the brochure in their files.

POLITICAL THEORY AND MISCELLANEOUS

The Political Quarterly, published in London by Macmillan and Company, made its initial appearance in January, 1930. The editors announce that the function of the journal is "to discuss social and political questions from a progressive point of view; to act as a clearing house of ideas and a medium of constructive thought." On the editorial board are to be found H. J. Laski, A. M. Carr-Saunders, G.

Lowes Dickinson, J. M. Keynes, T. E. Gregory, Kingsley Martin, J. L. Hammond, W. A. Robson, and Leonard Woolf. The contributions to the issues thus far are authoritative in tone without being pedantic, and with a praiseworthy effort toward acceptable style in presentation. Among those writing, other than the editors, are noted the names of Bertrand Russell, Alfred Zimmern, and G. D. H. Cole.

Liberty, written by Everett Dean Martin and published by W. W. Norton and Company (pp. x, 307), is a stimulating and suggestive book wherein the effort is made to trace the history of a concept. The author believes that there have been two general interpretations of the meaning of liberty. Whether at the Renaissance, the Reformation, or the Glorious Revolution, liberty meant the attaining of certain concrete rights from a definite opposition. As contrasted to this realistic pragmatic attitude, the author calls attention to the natural-right definition of liberty expounded by the romanticists. "The history of liberty in our times is the story of the transition of our modern thought from the first philosophy to the second." The author, however, accepts neither philosophy. Liberty, he believes, is based upon culture: "We have to fight for civilization in ourselves and in our communities. No people can remain free who are not civilized." Mr. Martin, however, is a little vague as to the substantive nature of his criteria. *This Land of Liberty*, by Ernest Sutherland Bates (Harper and Brothers, pp. 383), is a volume that takes for granted the natural right of mankind to liberty and happiness. Agitated by the contradictions to this premise, the author proceeds to enumerate the infringements against freedom in American history. He finds abundant material.—E. P. H.

Three Studies on European Conservatism (Constable & Co., pp. xix, 349), by E. L. Woodward, gives a deeper insight into some of the forces of institutional development on the continent of Europe than many more weighty tomes. The author has succeeded in interpreting those forces of reaction and delay which are so rarely understood by persons unacquainted with the social background of Germany, France, or Italy. By grouping his observations and facts around Metternich, Guizot, and the Catholic Church, he has been able to get unity and focus into his discussion of events, the range of which is only rivaled by their complexity. "Men fight and lose the battle, and the thing they fought for comes about in spite of their defeat. But when it

comes, it turns out to be not what they meant." The author's judgment is balanced. His reading is extensive without any vain pretense of uncovering new sources. The volume contains essentially reflection and synthesis rather than research. "In uniting these studies I have attempted a commentary rather than a narrative." Grown out of tutorial discussion at Oxford, it is likely to form a stimulating background for such discussion elsewhere, for the fruit of reading it is insight.

The Socialist Tradition in the French Revolution (George Allen & Unwin, pp. 36), by Harold J. Laski, is the only discussion of the subject in English. Professor Laski defines socialism as "the deliberate intervention of the state in the process of production and distribution in order to secure access to their benefits on a consistently wider scale." Now the French Revolution was in some respects so like, in others so unlike, various socialist movements of the last fifty years that an honest attempt to decide just what should be labelled socialist in the French Revolution is just the sort of thing needed in the disciplines we call the social sciences. Professor Laski has used the best French sources to make a provocative and useful pamphlet.—C. B.

The Imperialist War; The Struggle Against Social-Chauvinism and Social Pacifism, 1914-1915 (International Publishers, pp. 496) is a valuable collection of Lenin's writings during the early years of the World War. Although most of these are reprints of pamphlets which had already appeared in English, there is also a considerable number of new translations of speeches and letters. The essay "Socialism and War" was written by Lenin and Zinoviev in Geneva in August, 1915, and published in German, French, and Norwegian for distribution through the belligerent countries. The first chapter of this essay gives a Marxian interpretation to the causes and nature of war. The remaining three chapters are devoted to Russia and the revolutionary movements, including the Third International. The book is carefully edited, with explanatory biographical notes and with a list of documents made up of resolutions and manifestoes of the more important conferences held during that period. Not only is the collection important for an understanding of the activities of the revolutionary international groups during the first half of the war, but it

shows clearly how intimately Lenin was associated with the various programs of the different groups and the extent to which he really dominated the communist movement.—M. W. R.

Staat und Gesellschaft in Amerika; Zur Soziologie des Amerikanischen Kapitalismus, by Charlotte Lütken (Tübingen: J. C. B. Mohr and Paul Siebeck, pp. 208), as indicated by the sub-title, attempts to analyze the peculiar aspects of American capitalism. Its problems and the author's approach to it are based upon the general notions of Karl Marx, as they have been developed and modified up to the present time, particularly through the sociological analyses of Max Weber. In spite of various refinements, they continue to center around a pragmatic, if not materialistic, interpretation of historical evolution. From this point of view, it has always been a puzzle why the United States, which seems so obviously in a highly advanced stage of capitalistic development, should show such a weak labor movement and only rudimentary traces of socialism. Readers interested in these problems will recall Werner Sombart's sensational little tract in which he attempted to explain this phenomenon. Charlotte Lütken, confronted with the same puzzle, develops the highly suggestive hypothesis that what we find in the United States is not in fact "*Hochkapitalismus*," but a complex pseudo-form of capitalism, combining late phases of capitalistic development in technological aspects with earlier phases in social and political respects. Her discussion is built upon an analysis of economic, political, social, and cultural phenomena. She emphasizes how this opposition has become politically stratified through the federal organization of the United States. The power of the Supreme Court under the Constitution is viewed critically. The predominant political thought in the United States is liberalism, but the author fails to make clear what she understands by liberalism. It seems to have several meanings, depending upon the antithesis in connection with which it is used. What seems of peculiar significance to the author is the absence of organized bureaucracy in the sense in which Weber has used that notion. It is a point of considerable importance no doubt, but in the opinion of the reviewer it has been overstated in this essay, due to the fact that the vast bureaucratic bodies contained in the public utilities have not been taken into consideration sufficiently. Significant facts are often exaggerated in their bearing upon a particular argument, and errors and omissions are

not infrequent, but they are minor when one considers the essay as a whole.—C. J. F.

William Spence Robertson's *The Life of Miranda* (2 vols., University of North Carolina Press, p. 326, 306) presents a well documented account of the life of one of the most interesting of the South American patriots, who, through his wanderings in the service of many causes in the last part of the eighteenth and the first part of the nineteenth century, met a remarkable number of the leading figures in world politics of his time. The narrative is based largely on the papers of the third Lord Bathurst, which have only recently been made available, but the author's researches have taken him also to the public libraries and archives of Great Britain, France, Spain, and America. As a life story, the volumes have an unusual interest because of Miranda's habit of preserving correspondence and other papers, over fifty volumes of which have been at the biographer's disposal. Indeed the study becomes much more than one of the life of its hero, for his detailed accounts of himself, those whom he met, and the conditions under which he and they lived give a picture of the life of his times of unusual interest. These biographical volumes stand out in strong contrast to many of the more impressionistic sort which have recently appeared in such large numbers. The documentation and bibliography are in the best standards of scholarship.—C. L. J.

Communist and Coöperative Colonies, by Charles Gide, has been translated from the French by Ernest F. Row and published by Thomas Y. Crowell Company (pp. 222). The author describes in a very delightful fashion the many communitarian societies, most of which were established during the nineteenth century, and the greater number in the New World. He devotes some time to primitive communities and discusses the Incas, monastic communities, and the Jesuit republics of Paraguay. The Shakers, the Mormons, the Owenites, together with other groups of enthusiasts, pass in fantastic array. *The Last Paradise*, by Hickman Powell (Jonathan Cape and Harrison Smith, pp. xix, 292), is a colorful account of a utopia that works and plays with great felicity. The book depicts life on Bali, an island near Java. Reformers might take a leaf from this volume.

Edited by D. Ryazanov and issued by the International Publishers, *Fundamental Problems of Marxism* (pp. xiv, 145), by G. Plekhanov,

is available in a new edition. This work is a systematic exposition of dialectical materialism, and is concerned mainly with the philosophical and historical aspects of scientific socialism. It first appeared in 1908. Included in the present edition are: "Sudden Changes in Nature and History" and "Dialectic and Logic," likewise by Plekhanov.

The Greek City and Its Institutions (pp. xx, 418), by G. Glotz, professor of Greek history at the University of Paris, has been translated by N. Mallinson and published in the Alfred A. Knopf series on *The History of Civilization* edited by C. K. Ogden. The book traces in erudite fashion the evolution of the Πόλις from the Homeric city through the storm and stress of tyranny, oligarchy, and democracy to the ultimate decline of the city-state. The work is more than a recital of the historic development of the Greek city, for, as Henri Berr points out in his excellent introduction to the volume, "it formulates and suggests the general ideas which such a subject admits of, and leads on to considerations of a sociological bearing."

Nationalism, Politics, and Economics, by Edward Hatton (P. S. King & Son, Ltd., pp. 145), is a short but interesting account of the effect of nationalism upon economics, with special emphasis on the economic problems confronting England. The tariff question is considered at length, including its effect upon British taxation and currency and on foreign markets. The final chapter is devoted to economic practices in America. The author's main thesis is that national consciousness becomes uneconomic so long as it is chauvinistic and isolationary; if moderate, however, nationalism takes on a positive economic significance.—M. W. R.

British Opinion and the American Revolution (pp. viii, 308), by Dora Mae Clark, is a publication of the Yale University Press. Basing her research upon an extensive examination of manuscripts, pamphlets, newspapers and magazines, printed correspondence, and memoirs, together with other contemporary publications, the author depicts in vivid fashion the state of public opinion in Great Britain from 1765 to 1783. After a period of salutary neglect, the British merchant and farmer suddenly discovered that discontent in America meant economic disturbance at home. An interest was aroused and opinions were formed upon a subject that had not attracted much

attention before. In demonstrating the significance of the British state of mind at this time, Dr. Clark has made an important contribution to the literature of the American Revolution.

The Intendant System in Spanish America, by Lillian Estelle Fisher (University of California Press, pp. 385), contains an excellent essay on the significance of the intendant system in the Spanish colonies introduced tardily after the Seven Years War to meet the new conditions partly created by and partly developed during the preceding two hundred and fifty years. The modifications in government were such as had in substance been tried in Spain itself, and were there modelled after innovations used in France from the time of Richelieu. After 1748, a sustained program of reform was adopted in the colonies, which, though never adequate for the far-flung empire, causes the later period of Spanish control to bear favorable contrast with the restrictive one which preceded it. The last two-thirds of the book gives a translation of the chief ordinances establishing the intendant system.—C. L. J.

The report of the New York State Commission on Old Age Security has been published as Legislative Document No. 67 (1930). The report is 692 pages in length. Part I deals with economic and administrative problems and includes chapters on the aged in the state of New York, the extent of old age need, human depreciation, income and employment, public and private pension systems, savings and insurance, old age assistance legislation in other states, experience under American legislation, foreign laws and experience, and reports of commissions in other states. Part II treats of the relief of the aged in New York State. Luther Gulick, director of the National Institute of Public Administration, was executive secretary and director of research for the commission. Copies of the report can be obtained from Mr. Gerald Casey, clerk of the commission, Albany, New York.

In *Social Sciences in the Balkans and in Turkey* (University of California Press, pp. 133), Professor Robert J. Kerner surveys the resources for study and research in social science subjects in Yugoslavia, Rumania, Bulgaria, Greece, and Turkey. Universities, libraries, and academies and other learned societies are enumerated and appraised, and some attention is given to periodical and other pub-

lications. The generally unfavorable situation brought to view is ascribed mainly to low salaries, compelling university professors to seek outside employment; lack of recent books and periodicals, especially from English-speaking countries; and lack of travel and of intermingling of scholars of the different countries.

Current Research in Law for the Year 1929-1930 (Johns Hopkins Univ. Press, pp. 298) was compiled by Elizabeth S. Iddings from materials assembled by means of a survey conducted by the Institute of Law at the Johns Hopkins University. It consists of a classified enumeration of research projects, with indication in each case of the stage of progress attained. Upwards of eighty pages are devoted to lists of studies undertaken in various divisions of the broad field of government.

In *Philippe Snowden; L'Homme et sa Politique financière* (Felix Alcan, pp. 124), André Andréadès, a professor in the University of Athens and a well-known writer on financial topics, has contributed a brief but useful study of Great Britain's present Chancellor of the Exchequer and his policies. The fullest chapters are those having to do with the budgets of 1924 and 1930, but all phases of Mr. Snowden's long and significant public career are touched upon.

Recent American History, by Lester Burrell Shippee (Macmillan, pp. ix, 590), has been issued in a revised edition which brings the account down to the spring of 1930. Other slight changes appear in the present text which further distinguish it from the first edition of six years ago. The history now extends from "The South and Reconstruction" to "The Machine Age" of today.

A very comprehensive check list which will have value for students of state and local government is the *Bibliography of Virginia History Since 1865* (pp. 900) compiled by Lester J. Cappon and issued as Monograph No. 5 in the publications of the University of Virginia Institute for Research in the Social Sciences.

The Background of Swedish Emigration to the United States (University of Minnesota Press, pp. 272), by John S. Lindberg, deals

mainly with economic and sociological matters, but touches also on the political effects of a great population movement.

A Bibliography of the Monroe Doctrine, 1919-1929 (London School of Economics, pp. 39) is a complete but unannotated list prepared by Professor Phillips Bradley, and covering books, articles, and documents in all languages.

RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

CLARENCE A. BERDAHL

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books

- Bates, Ernest Sutherland.* The land of liberty. N. Y.: Harper's.
- Beard, Charles A., and Beard, William.* The American leviathan. N. Y.: Macmillan.
- Butt, Archibald W.* Taft and Roosevelt: the intimate letters of Archie Butt, military aide. 2 vols. Pp. 892. Garden City: Doubleday, Doran.
- Cain, James M.* Our government. Pp. x+241. N. Y.: Knopf.
- Clark, Dora Mae.* British opinion and the American revolution. Pp. viii + 308. New Haven: Yale Univ. Press.
- Duffy, Herbert S.* William Howard Taft. Pp. 345. N. Y.: Minton, Balch.
- Einstein, Lewis.* Roosevelt: his mind in action. Boston: Houghton Mifflin.
- Evans, H. W.* The rising storm: an analysis of the growing conflict over the political dilemma of the Roman catholics in America. Atlanta: Buckhead Pub. Co.
- Frankfurter, Felix.* The public and its government. New Haven: Yale Univ. Press.
- Frederick, John H., and Others.* Regulation of railroad finance. Pp. 237. N. Y.: Simmons-Boardman.
- Goodwin, Cardinal.* John Charles Fremont. Stanford Univ. Press.
- Harlow, Rex Francis.* Makers of government in Oklahoma. Pp. 1200. Oklahoma City: Harlow Pub. Co.
- Huston, Wendell,* comp. Social welfare laws of the forty-eight states. Des Moines: Wendell Huston Co.
- Johnson, Charles S.* The negro in American civilization. Pp. 552. N. Y.: Holt.
- Johnston, Henry Alan.* What rights are left. N. Y.: Macmillan.
- Kettleborough, Charles.* Constitution making in Indiana: a source book of constitutional documents. Vol. III, 1916-1930. Pp. 430. Indianapolis: Ind. Hist. Bur.
- Labaree, Leonard Woods.* Royal government in America. New Haven: Yale Univ. Press.
- Lütken, Charlotte.* Staat und Gesellschaft von Amerika. Pp. 207. Tübingen: Mohr.
- McLaughlin, James Angell.* Cases on the federal anti-trust laws of the United States. N. Y.: Ad Press.
- Moley, Raymond.* Our criminal courts. Pp. 294. N. Y.: Minton, Balch.
- Odegard, Peter.* The American public mind. N. Y.: Columbia Univ. Press.

- Pepper, George Wharton.* In the senate. Philadelphia: Univ. of Pa. Press.
- Schmeckebier, Laurence F.* The aeronautics branch, department of commerce: its history, activities, and organization. Pp. 157. Washington: Brookings Inst.
- Shannon, A. H.* The negro in Washington: a study in race amalgamation. N. Y.: Walter Neale.
- Slosson, Preston W.* The great crusade and after: a history of America since 1914. N. Y.: Macmillan.
- Smith, Clarence B., and Wilson, Meredith C.* The agricultural extension system of the United States. Pp. 402. N. Y.: Wiley.
- *Smith, J. B. R., ed.* New York laws affecting business corporations. Pp. 478. N. Y.: U. S. Corporation Co.
- Stephenson, Nathaniel Wright.* Nelson W. Aldrich: a leader in American politics. N. Y.: Scribner's.
- Sullivan, Mark.* Our times. Vol. III. Pre-war America. N. Y.: Scribner's.
- Tydings, Millard E.* Before and after prohibition. Pp. 140. N. Y.: Macmillan.
- Ureña, Max Henríquez.* Los Yanquis en Santo Domingo. Pp. 285. Madrid: Aguilar.
- Wu, Shao-Tseng.* Railroad valuation and fair return. Philadelphia: Univ. of Pa. Press.

Articles

- Agricultural Relief. The federal farm board and the agricultural credit system. *V. P. Lee.* Southwestern Pol. and Soc. Sci. Quar. June, 1930.
- . L'agriculture aux États-Unis. *André de Contades.* Rev. Pol. et Parl. July, 1930.
- . The farm board's troubles. *Editor.* New Repub. July 23, 1930.
- . Embattled farmers. *Raymond T. Fuller.* N. Am. Rev. Aug., 1930.
- . The real tragedy of the farmer. *Mark Van Doren.* Harper's. Aug., 1930.
- . Mr. Legge talks on farm relief. *William H. Crawford.* Rev. of Revs. Sept., 1930.
- . The federal farm board's first year: I. *L. J. Dickinson.* II. *Alexander Legge.* Current Hist. Sept., 1930.
- Alien Legislation. Alien land law—due process—citizenship. *E. E. T.* South. Calif. Law Rev. June, 1930.
- Amendment. How the tenth amendment affected the fifth article of the constitution. *Selden Bacon.* Va. Law Rev. June, 1930.
- Appellate Courts. Intermediate appellate courts. *Edson R. Sunderland.* Jour. Am. Judicature Soc. Aug., 1930.
- Aviation. Regulation of aerial navigation. *F. E. G.* South. Calif. Law Rev. June, 1930.
- . Air regulation. *Gilbert G. Budwig.* Scientific Monthly. Sept., 1930.
- Business Regulation. Government and business. *Oswald Garrison Villard.* Nation. Sept. 3, 1930.
- . Congress and the chain stores. Cong. Digest. Aug.-Sept., 1930.
- Banking Legislation. Proposed national banking legislation. *Frederick A. Bradford.* Am. Econ. Rev. Sept., 1930.
-

Bankruptcy. Reform in bankruptcy administration. *Grenville Clark*. Harvard Law Rev. June, 1930.

Boulder Dam. Who will benefit by Boulder dam? *F. L. Bird*. New Repub. July 30, 1930.

———. They're off at Boulder dam! *Joseph Lilly*. N. Am. Rev. Oct., 1930.

Censorship. The power to exclude from the mails. *Meyer Weker*. Boston Univ. Law Rev. June, 1930.

———. Moral racketeering in the movies. *Pare Lorentz*. Scribner's. Sept., 1930.

Census. What does the census show? *Howard Florance*. Rev. of Revs. Aug., 1930.

Children's Bureau. A nation looks at its children. *Ray Lyman Wilbur*. Rev. of Revs. Sept., 1930.

Civil Service. Development of civil service reform. *Marguerite Owen*. Current Hist. Sept., 1930.

Communist Party. Seeing red. *Isabelle Keating*. Spying on the reds. *Howard McLellan*. N. Am. Rev. Aug., Oct., 1930.

———. Communism in America. I. Is the red menace fact or fiction? II. The communist party versus the labor movement. III. The price of "Moscow gold." IV. Communist factions and leadership. *J. B. S. Hardman*. New Repub. Aug. 27, Sept. 3, 10, 17, 1930.

———. Cantaloupes and communists, *Conrad Seiler*. Nation. Sept. 3, 1930.

———. The communist movement in the United States. *R. S. Kain*. Current Hist. Sept., 1930.

Congress. Limitations of the powers of congressional investigating committees. *Albert K. Stebbins*. Am. Bar Assoc. Jour. July, 1930.

———. Squirt-gun politics. *Charles A. Beard*. Senate inquisitors and private rights. *John T. Flynn*. Harper's. July, Aug., 1930.

———. The senate inquisition. *Walter Lippmann*. Forum. Sept., 1930.

Conscription. The universal draft and constitutional limitations. *Joseph M. Cormack*. South. Calif. Law Rev. June, 1930.

Constitution. A brief account of the ratification of the constitution of the United States in 1788 in the meeting-house in Long Lane. *F. W. G. Mass*. Law Quar. Sept. 5, 1930.

Constitutional Law. State constitutional law in 1929-30. *Oliver P. Field*. Am. Pol. Sci. Rev. Aug., 1930.

Coolidge. Coolidge and the do-nothing decade. *Edward Campbell Aswell*. Forum. Aug., 1930.

Democracy. Give us democracy. *Albert C. Ritchie*. N. Am. Rev. Oct., 1930.

Debts. America's financial problems. *E. M. Patterson*. Contemp. Rev. July, 1930.

Declaratory Judgment. The declaratory judgment in public law. *Note Editor*. Harvard Law Rev. June, 1930.

Due Process. Stabilization of the oil industry and due process of law. *Maurice H. Merrill*. South. Calif. Law Rev. June, 1930.

Extradition. Extradition—interstate rendition—amount of evidence required for reversal of governor's decision. *P. E. S. Va.* Law Rev. June, 1930.

Economic Life. *Les États-Unis: le pays et sa vie économique.* *Achille Viallate.* *Rev. Pol. et Parl.* July, 1930.

Forests. The forests seek a father. *Charles Lathrop Pack.* *Rev. of Revs.* July, 1930.

Foreign Service. Examinations for the American foreign service. *Ellery C. Stowell.* *Am. Jour. Int. Law.* July, 1930.

Full Faith and Credit. Some problems in jurisdiction to divorce. *James Lewis Parks.* *Univ. of Missouri Bull. (Law Series.)* Apr. 10, 1930.

Government Experts. Will Hoover discredit the experts? *Editor.* *New Repub.* Aug. 13, 1930.

Governor. Two years of Franklin Roosevelt. *Ernest K. Lindley.* *Nation.* Sept. 17, 1930.

Highways. The economic value of laying out roadways for "steady flow" traffic. *Fritz Malcher.* *Am. City.* Aug., 1930.

Haiti. The problem of Haiti. *Josephus Daniels.* *Sat. Eve. Post.* July 12, 1930.

———. Haiti takes a day in court. *Augusta W. Hinshaw.* *World's Work.* July, 1930.

———. Quo vadis, Haiti? *Henry P. Fletcher.* *For. Affairs.* July, 1930.

Hoover. Mr. Hoover's hair shirt. *John Pell.* *N. Am. Rev.* July, 1930.

———. Our super-Babbitt: a recantation. *Robert Herrick.* *Nation.* July 16, 1930.

———. Presidential prosperity. *James Truslow Adams.* *Harper's.* Aug., 1930.

Immigration. We immigrants. *Albert Bushnell Hart.* *Current Hist.* July, 1930.

———. The Mexican immigrant and segregation. *Emory S. Bogardus.* *Am. Jour. Sociol.* July, 1930.

———. Mexico and the Harris bill. *Carleton Beals.* *Nation.* July 9, 1930.

Impeachment. Impeachment of Oklahoma governors. *Cortez A. M. Ewing.* *Impeachment in Texas.* *Frank M. Stewart.* *Am. Pol. Sci. Rev.* Aug., 1930.

Indian Policy. The new policy of aiding the American Indian. *William Atherton DuPuy.* *Current Hist.* Sept., 1930.

Injunction. Legislation affecting labor injunctions. *Paul Donovan.* *Am. Bar Assoc. Jour.* Sept., 1930.

Insurance Regulation. Determining profits from fire insurance companies for rate regulation. *Philip S. Alexander.* *St. Louis Law Rev.* June, 1930.

Judicial Council. The work done by judicial councils. *J. C. Ruppenthal.* *Jour. Am. Judicature Soc.* Aug., 1930.

Judicial Review. Minority control of court decisions in Ohio. *W. Rolland Maddox.* *Am. Pol. Sci. Rev.* Aug., 1930.

Judiciary. Statistics and successions in the supreme judicial court and the superior court of Massachusetts, to January 1, 1930. *Henry T. Lummus.* *Portraits of chief justices of Massachusetts from 1692 to 1930. A brief history of the supreme judicial court of Massachusetts.* *F. W. G. Mass. Law Quar.* May (Supp. No. 2), Sept. 5, 1930.

Jury. The curse of trial by jury. *Claude Mullins.* *Quar. Rev.* July, 1930.

- Labor. Southern labor and the law. *Weimar Jones*. Nation. July 2, 1930.
- . Orderly marketing for labor. *Sumner H. Slichter*. New Repub. Aug. 6, 1930.
- Lobbying. A lobbyist tells. *One of the Craft*. N. Am. Rev. Oct. 1930.
- Mooney Case. The original Mooney report. *W. B. Wilson and Others*. Reframing Warren K. Billings. *Miriam Allen de Ford*. New Repub. Sept. 3, 10, 1930.
- Nullification. Nullification: a process of government. *Schuyler C. Wallace*. Pol. Sci. Quar. Sept., 1930.
- Oregon. The prospects of the state institutions in Oregon. *Sam A. Kozee*. Commonwealth Rev. July, 1930.
- Philippines. This freedom—for the Philippines. *Sherwood Edly*. World's Work. Oct., 1930.
- Politics. Money in federal politics. *Charles A. Beard*. The fight against Norris. *Judson King*. The Fergusons and democracy. *Stark Young*. New Repub. July 30, Aug. 6, Sept. 10, 1930.
- . Mixing religion and politics. *Mark Mohler*. Current Hist. July, 1930.
- . The Texas-Mexican and the politics of south Texas. *O. Douglas Weeks*. Am. Pol. Sci. Rev. Aug., 1930.
- . The "new Tammany" again. *Editor*. Revolt in Connecticut. *Allen B. MacMurphy*. Nation. Aug. 27, Sept. 10, 1930.
- . Charley Michelson. *Frank R. Kent*. Scribner's. Sept., 1930.
- . Publicity chiefs. *Oliver McKee, Jr.* N. Am. Rev. Oct., 1930.
- Porto Rico. The government of Porto Rico. *Helene L. Cox*. Nat. Univ. Law Rev. Jan., 1930.
- . American difficulties in Porto Rico. *Thomas E. Benner*. For. Affairs. July, 1930.
- . Porto Rico has a future. *Theodore Roosevelt*. Rev. of Revs. Aug., 1930.
- Postoffice Department. Postmaster General Brown. *Theodore G. Joslin*. World's Work. Aug., 1930.
- Public Domain. The public domain. *Henry S. Graves*. Nation. Aug. 6, 1930.
- Public Utilities. Our underpaid commissions. *Paul V. Betters*. Pub. Utilities Fortnightly. Apr. 17, 1930.
- . Recent trends in motor carrier regulation. *John J. George*. Bus Transportation. Apr., May, July, 1930.
- . Rate making and judicial review. *Martin T. Manton*. Depreciation in rate making. *E. P. Wolfe*. St. John's Law Rev. May, 1930.
- . Valuation as a requirement of due process of law in rate cases. *Frederick K. Beutel*. Harvard Law Rev. June, 1930.
- . Public utilities and the anti-trust law. *Edwin W. Hadley*. Boston Univ. Law Rev. June, 1930.
- . The regulation of interstate public utilities with reference to Oregon. *Emerson P. Schmidt*. Commonwealth Rev. July, 1930.
- . Valuation in the supreme court. *Alfred Evens*. Am. Bar Assoc. Jour. Aug., 1930.

———. Public versus private ownership of electric power. *Floyd L. Carlisle*. Current Hist. Aug., 1930.

———. New York state studies regulation. *John D. Sumner*. Legal versus economic principles in valuation. Jour. Land & Public Utility Econ. Aug., 1930.

———. The 1920 amendment to the interstate commerce act. *Herbert N. De Wolfe*. U. S. Law Rev. Aug., 1930.

———. New York public utility regulation. *John Bauer*. Am. Econ. Rev. Sept., 1930.

———. Trends in ownership and regulation of public utilities. *John Bauer*. Am. City. Sept., 1930.

———. Control of public utility rates and the supreme court. *Cassius M. Clay*. U. S. Law Rev. Sept., 1930.

———. Public services and the public. *Felix Frankfurter*. Yale Rev. Autumn, 1930.

Pure Food Legislation. Congressional opposition to pure food legislation, 1876-1906. *Thomas A. Bailey*. Am. Jour. Sociol. July, 1930.

Prisons. Black and white stripes in the red, white, and blue. *Edward G. Lowry*. World's Work. Sept., 1930.

Privileges and Immunities. Should a corporation be considered a citizen under the privileges and immunities clause of the federal constitution. *R. Paul Holland*. W. Va. Law Quar. Apr., June, 1930.

Prohibition. The courts and the rum running business. *Marjorie Owen*. Canadian Bar Rev. June, 1930.

———. Prophet of prohibition. *Ray T. Tucker*. Right off the boat. *Phelps Haviland Adams*. Prohibition's absurdities. *Harry Hirschman*. N. Am. Rev. July, Aug., Sept., 1930.

———. The benefits of prohibition. *Struthers Burt*. A parson looks at prohibition. *Ware W. Wimberly*. Scribner's. July, Aug., 1930.

———. The liquor question in colonial and revolutionary war periods. *Fleming Nevin*. West Pa. Hist. Mag. July, 1930.

———. A new deal for prohibition. *William H. Crawford*. How prohibition came to America. *Robert E. Garst*. Rev. of Revs. Aug., Sept., 1930.

———. Let's compromise on prohibition. *Rheta Childe Dorr*. World's Work. Sept., 1930.

Railroad Question. The railroads gird for battle. *J. G. Lyne*. Am. Mercury, Aug., 1930.

———. Railroad consolidation: what of it? *William Z. Ripley*. World's Work. Oct., 1930.

———. Die staatliche Ordnung des Eisenbahnwesens in den Vereinigten Staaten. *Thomas L. Kibler*. Hamburg-Amerika-Post. No. 8, 1930.

Radio Legislation. Recent radio legislation. *Irwin Stewart*. Am. Pol. Sci. Rev. Aug., 1930.

Receivership. The propriety of friendly receiverships in the federal courts. *Note Editor*. Harvard Law Rev. June, 1930.

Republican Government. Republican in form. *Joseph F. Ingham*. Dickinson Law Rev. June, 1930.

Roosevelt. Roosevelt: the story of an animosity: his hostility to Woodrow Wilson. *Bainbridge Colby*. Current Hist. Aug., 1930. •

Samoa. American Samoa's demand for civil government. *E. Noble Caldwell*. *Current Hist.* Sept., 1930.

Sherman Act. The origin and purpose of the Sherman act. *Charles Nagel*. *St. Louis Law Rev.* June, 1930.

Spoils System. The spoils system enters college: Governor Bibb and higher education in Mississippi. *John B. Hudson*. *New Repub.* Sept. 17, 1930.

State Administration. Reform of state administration. *Frank O. Lowden*. *Commonwealth Rev.* July, 1930.

State Constitution. For a new model state constitution. *Howard White*. *Nat. Mun. Rev.* July, 1930.

State Government. A ten-year program for a state. *Editor*. *New Repub.* Aug. 27, 1930.

State Rights. Republicanism and state rights in Wisconsin. *James L. Sellers*. *Miss. Valley Hist. Rev.* Sept., 1930.

Statutes. The elimination of obsolete statutes. *Legislation Editor*. *Harvard Law Rev.* June, 1930.

Sterilization. Eugenical sterilization in the United States. *Frances Oswald*. *Am. Jour. Sociol.* July, 1930.

Supreme Court. Geography and the supreme court. *Cortez A. M. Ewing*. *Southwestern Pol. and Soc. Sci. Quar.* June, 1930.

———. Charles Evans Hughes. An appreciation. *Maurice P. Davidson*. *Com. Law League Jour.* July, 1930.

———. The federal supreme court and the superstructure of the constitution. *E. F. Albertsworth*. *Am. Bar Assoc. Jour.* Sept., 1930.

———. Portraits of justices of the supreme court of the United States appointed from Massachusetts. *Mass. Law Quar. Rev.* Sept. 5, 1930.

Tariff. Revolt against the tariff. *William O. Scroggs*. *N. Am. Rev.* July, 1930.

———. The new tariff: a defense. *Willis C. Hawley*. *Rev. of Revs.* July, 1930.

———. Tariff laws in American history. *William MacDonald*. *Current Hist.* Sept., 1930.

———. The tariff act of 1930. *Abraham Berglund*. *Am. Econ. Rev.* Sept., 1930.

———. What the tariff can do. *Lewis F. Carr*. *N. Am. Rev.* Sept., 1930.

Taxation. Jurisdiction to tax intangibles—succession taxes. *H. E. S.* *South. Calif. Law Rev.* June, 1930.

———. Division of income to reduce taxes—recent decisions of the supreme court. *Note Editor*. *Harvard Law Rev.* June, 1930.

———. Jurisdiction to place inheritance tax on intangibles. *Robert C. Cassels*. *Dakota Law Rev.* June, 1930.

———. Tinkering with the tax laws. *Edward F. Treadwell*. State taxation of the gross receipts of domestic corporations engaged in interstate commerce. *Ruth Clouse*. *Calif. Law Rev.* July, 1930.

———. The pending income tax issue. *Victor P. Morris*. *Commonwealth Rev.* July, 1930.

———. Death taxes—recent statutory and judicial solutions of multiple taxation. *Leo Brady*. Am. Bar Assoc. Jour. Aug., 1930.

———. Millions from the gasoline tax. *Norman Damon*. Rev. of Revs. Aug., 1930.

———. Death duties. *W. H. Harvey*. English Rev. Sept., 1930.

Treaties. The legislative effect of a treaty. *Francis W. Allen*. Detroit Law Rev. Nov.-Dec., 1929.

———. The advice of the senate in treaty-making. *Denna Frank Fleming*.

Current Hist. Sept., 1930.

Unemployment. Unemployment: a failure in leadership. *John A. Ryan*. Catholic World. July, 1930.

Women's Rights. Susan B. Anthony in Iowa. *Thomas P. Christensen*. Ia. Jour. Hist. and Pol. July, 1930.

———. Shall woman's work be regulated by law? *Alma Lutz*. Atlan. M., Sept., 1930.

Workmen's Compensation. Federal employers' liability act: its construction and application. *W. T. Kennerly*. Tenn. Law Rev. June, 1930.

———. Workmen's compensation act: accident "in course of employment." *Louis Heilbron*. Calif. Law Rev. July, 1930.

———. Where workmen's compensation fails. *Howard S. Cullman*. Nation. Sept. 17, 1930.

FOREIGN AND COMPARATIVE GOVERNMENT

Books

Ahmad, Syed Tofail. Responsible government and the solution of the Hindu-Moslem problem. Pp. 157. Budaun: Nizama.

Alba, Santiago. L'Espagne et la dictature. Paris: Libr. Valois.

Alessandri, Arturo. Parlamentarisme et régime présidentiel, évolution internationale, financière et sociale de Chile. Paris: Recueil Sirey.

Andréadès, André. Philippe Snowden. L'homme et sa politique financière. Paris: Alcan.

Andrews, Charles F., ed. Mahatma Gandhi: his own story. N. Y.: Macmillan.

Armstrong, Harold. Turkey and Syria reborn. Pp. 270. London: Lane.

Bertram, Sir Anton. The colonial service. London: Cambridge Univ. Press.

Broecker, R. v. Der Volksdeutsche fremder Staatsangehörigkeit im Reiche. Berlin: Deutsche Rundschau.

Buck, Oscar MacMillan. India looks to her future. Pp. 222. N. Y.: Friendship Press.

Caullery, M. La réforme du régime douanier colonial. Pp. 122. Paris: Edit. Domat-Montchrestien.

Clauss, Kurt. Grundzüge des sächsischen Verwaltungsrechtes. Pp. xi+171. Leipzig: Rossberg'sche Verh.

Daudet, Léon. Raymond Poincaré. Pp. 208. Paris: Capitole.

Delage, Jean. La Russie en exil. Pp. 250. Paris: Delagrave.

Dietrich, Fritz. Die Gandhi-Revolution. Dresden: Verlag Wolfgang Jess.

- Douillet, Joseph.* Moscow unmasked. London: Pilot Press.
- Evelpidi, C.* Les états balkaniques. Pp. 395. Paris: Rousseau.
- Farson, Negley.* Seeing red. Today in Russia. Pp. x+275. London: Eyre & Spottiswoode.
- Giese, Friedrich.* Deutsches Staatsrecht. Pp. 228. Berlin: Industrieverlag Spaeth & Linde.
- Gosnell, Harold F.* Why Europe votes. Chicago: Univ. of Chicago Press.
- Grinko, Gregor.* Der Fünfjahrsplan der USSR. Pp. viii+296. Berlin: Verlag für Literatur und Politik.
- Hatschek, Julius, u. Kurtzig, Paul.* Deutsches und preussisches Staatsrecht. (Zweite Auflage). 2 vols. Pp. xxvi+1548. Berlin: Georg Stilke.
- Hellingrath, Max von.* Der Sowjetstaat. Entwicklung und rechtliche Struktur Sowjetrusslands. Pp. 120. München: Ebering.
- Helstein, M. C.* La constitution de la république de Lettonie. Pp. 275. Paris: Recueil Sirey.
- Hinrichs, Bernhard.* Die Grenzen der Verfassungsautonomie der deutschen Länder. Pp. 110. Berlin: Georg Stilke.
- Hunt, Erling M.* American precedents in Australian federation. Pp. 286. N. Y.: Columbia Univ. Press.
- Ibañez, Vicente de Roig.* La constitución que precisa España. Pp. 253. Madrid: Pueyo.
- Jennings, W. Ivor.* The poor law code. Pp. 302. London: Chas. Knight & Co.
- Katsch, Hellmut.* Regierung und Volksvertretung im Saargebiet. Pp. xv+173. Leipzig: Th. Weicher.
- Kennedy, W. P. M., ed.* Statutes, treaties and documents of the Canadian constitution. (New ed.) Pp. xxviii+752. London: Oxford Univ. Press.
- Kraus, Wolfgang.* Die staats- und völkerrechtliche Stellung Britisch-Indien. Pp. viii+226. Leipzig: R. Noske.
- Liggett, Walter W.* Pioneers of justice: the story of the royal Canadian mounted police. Pp. 249. N. Y.: Macaulay.
- Livingston, W. Ross.* Responsible government in Nova Scotia. Iowa City: Ia. Univ. Press.
- Loiseau, Charles.* Saint-siège et fascisme. Pp. 240. Paris: Gamber.
- Lufft, Hermann.* Das britische Weltreich. Pp. viii+626. Leipzig: Bibliographisches Institut.
- Madariaga, S. de.* Spain. Pp. 507. London: Benn.
- Magnan de Bornier, J.* L'empire britannique. Son évolution politique et constitutionnelle. Pp. 306. Paris: Edit. Mechelinck.
- Malcolm, Sir Ian.* Lord Balfour. London: Macmillan.
- Morris, William Alfred.* The constitutional history of England to 1216. N. Y.: Macmillan.
- Nassen, Paul, u. Keichel, Dr.* Deutschlands Reparationslasten. Berlin: Carl Heymann.
- Newman, Bertram.* Lord Melbourne. N. Y.: Macmillan.
- Osburn, Arthur.* Must England lose India? Pp. 280. London: Knopf.
- Piquet, Victor.* L'Algérie française. Pp. 432. Paris: Colin.

Pittius, E. F. W. Gey van. Nationality within the British commonwealth of nations. London: P. S. King.

Rauschnig, Hermann. Die Entdeutschung Westpreussens und Posens. Pp. 405. Berlin: Hobbing.

Ritterbusch, Paul. Parlamentssouveränität in der Staats- und Verfassungsrechtslehre Englands, vornehmlich in der Staatslehre. Pp. 187. Leipzig: Weicher.

Rosenberg, Kate. How the ratepayer is governed. Pp. 127. London: Williams & Norgate.

Scheffer, Paul. Sieben Jahre Sowjetunion. Pp. vii+451. Leipzig: Bibliographisches Institut.

Singh, Gurmukh Nibal. Indian states and British India. Pp. xiv+380. Benares: Nand Kishore & Bros.

Squadrilli, G. L'Italia di Mussolini e gli Italiani d'oggi. Pp. 312. Rome: Pinciana.

Stier-Somlo, Fritz. Sammlung preussischer Gesetze staats- und verwaltungsrechtlichen Inhalts. Pp. xxx+1546. München: C. H. Beck.

Struve, P. B., ed. Food supply in Russia during the world war. Pp. 497. New Haven: Yale Univ. Press.

Suarez, Georges. La vie orgueilleuse de Georges Clemenceau. Pp. 700. Paris: Editions de France.

Topa, Ishwar Nath. The growth and development of national thought in India. Pp. xiv+176. Hamburg: Friederichsen, De Gruyter & Co.

Thompson, Edward. Reconstructing India. N. Y.: Dial Press.

Valois, Georges. Finances italiennes. Pp. 300. Paris: Libr. Valois.

Villaneuva, Francisco. El momento constitucional. Pp. 390. Madrid: Morata.

Wen, Ching Yin. Le système fiscal de la Chine. Pp. 212. Paris: Editions et Publications Contemporaines.

Wilkinson, Ellen. Peeps at politicians. Pp. 118. London: Philip Allan.

Yovanovitch, Miloutine. Le régime absolu yougoslave. Pp. 200. Paris: Edit. et Publications Contemporaines.

Yugoff, A. Economic trends in soviet Russia. Pp. 350. London: Allen & Unwin.

Ziemke, Kurt. Die neue Türkei. Politische Entwicklung 1914-1929. Pp. 536. Stuttgart: Deutsche Verlags-Anstalt.

Articles

Administration. Rationalization and the processes of administration. *Henry N. Bunbury.* Personality in public administration. *E. H. Rhodes.* The legislative functions of government departments. *B. M. Laing.* Pub. Admin. July, 1930.

Argentina. The Argentine revolution. *Editor.* New Repub. Sept. 17, 1930.

Australia. Australia. Round Table. June, 1930.

———. Administrative legislation in the commonwealth. *K. H. Bailey.* Australian Law Jour. May, June, 1930.

———. Communist offensive in Australia. *F. A. W. Gisborne.* English Rev. July, 1930.

- Austria.** Seipel intrigues in Austria. *G. E. R. Gedye*. *Nation*. July 2, 1930.
 ———. The end of the house of Austria. *Joseph Redlich*. *For. Affairs*. July, 1930.
 ———. La consolidation de l'Autriche. *Marcel Dunan*. *Rev. Paris*. Sept. 1, 1930.
- Belgium.** Cent ans d'indépendance belge. *Comte Carton de Wiart*. *La Belgique et la colonisation*. *C^{te} A. d'Andigne*. *Correspondant*. July 25, Aug. 10, 1930.
 ———. Belgium's language question: French vs. Flemish. *Louis Pierard*. *For. Affairs*. July, 1930.
 ———. Belgium's anti-liquor laws. *Aimée Racine*. *Current Hist.* July, 1930.
- Bolivia.** The constitutional triumph in Bolivia. *Diomedes de Pereyra*. *Current Hist.* Sept., 1930.
- British Empire.** The government and our sugar colonies. *Lord Olivier*. The British empire as an economic family. *Sir Basil Blackett*. *Nine. Cent.* July, Aug., 1930.
 ———. A written constitution for the British commonwealth. *W. Y. Elliott*. *Pol. Quar.* July-Sept., 1930.
 ———. Legal and political unity of the empire. *J. H. Morgan*. *English Rev.* July, 1930.
 ———. At the deathbed of an empire. *William Franklin Sands*. *Forum*. Aug., 1930.
 ———. Britain's imperial battle. *P. W. Wilson*. *Rev. of Revs.* Sept., 1930.
 ———. What is dominion status? *C. H. S. Fifoot*. *Fort. Rev.* Sept., 1930.
- Civil Service.** How to fill higher posts: appointments from without or promotions from within? *L. Hill*. *Pub. Admin.* July, 1930.
- Canada.** Canada. Round Table. June, 1930.
 ———. Canada's coöperation in prohibition enforcement. *R. L. Jones*. *Current Hist.* July, 1930.
 ———. The Canadian oasis. *Leslie Roberts*. *Harper's*. July, 1930.
 ———. The Canada of today and tomorrow. *J. C. Nelson*. *English Rev.* Sept., 1930.
 ———. The Canadian election. *James B. M. Clark*. *Nine. Cent.* Sept., 1930.
 ———. Defeat of Canadian liberals. *Ralston Hayden*. *Current Hist.* Sept., 1930.
- China.** Economics of flood control in China. Economics of highways for China. *O. J. Todd*. *Chinese Soc. and Pol. Sci. Rev.* April, 1930.
 ———. The causes of civil war in China. *Hallett Abend*. *Current Hist.* July, 1930.
 ———. China: the new "red" terror. *J. O. P. Bland*. *English Rev.* Aug., 1930.
 ———. Communism in China. *Maxwell S. Stewart*. *Nation*. Aug. 27, 1930.
- Cuba.** The crisis in Cuba. *H. R. Hulse*. *N. Am. Rev.* July, 1930.
- Czechoslovakia.** Après dix années. Les developpement de la constitution tchécoslovaque, 1920-1930. *Zdenek Peska*. *Rev. Droit Pub. et Sc. Pol.* Apr.-June, 1930.

- Egypt.** The problem of the Nile. *Pierre Crabitès*. *Current Hist.* July, 1930.
- . Stability in Egypt. *Owen Tweedy*. *Fort. Rev.* Aug., 1930.
- European Constitutions.** Modern constitutional developments. *D. Oswald Dykes*. *Jurid. Rev.* Sept., 1930.
- Economic Blocs.** New economic blocs in Europe. *Friedrich Scheu*. *Nation*. Sept. 3, 1930.
- Finance.** The financial systems of the United Kingdom and the United States of America. *T. E. Naughten*. *Pub. Admin.* July, 1930.
- France.** French syndicalism of the present. *Marjorie Ruth Clark*. *Jour. Pol. Econ.* June, 1930.
- . La politique française du pétrole. *François Lescazes*. La France et l'Alsace sous Louis XIV et de nos jours. *Robert Munois*. June 15, July 1, 15, Aug. 1, 15.
- . Les états-unis français. *Comte de Fels*. Le ministère de la marine sous la commune. *M. de Pradel de Lamase*. Vacances parlementaires. *Ignotus*. La réforme de l'état. *Comte de Fels*. *Rev. Paris*. June 15, July 15, Aug. 1, 15, 1930.
- . Théorie générale des contrats de l'administration. *Gaston Jèze*. Le pouvoir discrétionnaire de l'administration et sa limitation par le contrôle juridictionnel. *M. Waline*. *Rev. Droit Pub. et Sci. Pol.* Apr.-June, 1930.
- . La situation de l'industrie française de l'azote. *Marin Guillaume*. Le régime financier des services publics industriels. *Roland Maspétiol*. Le problème du pétrole devant le parlement. *René Hubert*. Les ententes inter-départementales. *Charles Lallemant*. *Rev. Pol. et Parl.* June, Aug., 1930.
- . What France thinks. *John Hallett*. *Fort. Rev.* July, 1930.
- . Clemenceau. *H. A. L. Fisher*. *Nine. Cent.* July, 1930.
- . France builds an empire. *Werner von Schnitzler*. *Living Age*. Aug. 1, 1930.
- . L'échiquier politique et parlementaire. I. *Pierre de Pressac*. *Correspondant*. Aug. 25, 1930.
- . France's social insurance laws. *Amy Hewes*. *Current Hist.* Sept., 1930.
- . Die Stellung des Präsidenten der französischen Republik. *Werner Hirsch*. *Zeitschrift Rechtswissenschaft*. May, 1930.
- Germany.** Durch politische Zusammenfassung zur Wirtschaftsentfaltung. *Julius Kaliski*. *Sozialistische Monatshefte*. June, 1930.
- . Neue Entwicklungstendenzen im deutschen Staatswesen. *Eugen Schiffer*. *Nord und Süd*. June, 1930.
- . L'Allemagne abdiguera-t-elle devant la Prusse? I. II. *Pierre Delattre*. *Correspondant*. June 10, 25, 1930.
- . Le budget militaire allemand en 1930. *Frederic Eccard*. *Rev. Pol. et Parl.* July, 1930.
- . The political dilemma in Germany. *A. Mendelssohn Bartholdy*. *Germany and the Young plan*. *Carl Bergmann*. *For. Affairs*. July, 1930.
- . La crise des partis en Allemagne. *Wladimir d'Ormesson*. *Rev. Paris*. July 15, 1930.
- . Is Germany safe for democracy? *Editor*. *New Repub.* July 30, 1930:

- . Germany after the Hague. *E. W. Polson Newman*. English Rev. Aug., 1930.
- . Die unmittelbare Reichsaufsicht. *Ernst Forsthoff*. Aus der Praxis des Staatsrechts. II. Volksentscheid. *Wilhelm Merk*. Archiv Öffent. Rechts. Aug., 1930.
- . The German constitutional crisis. *Sidney B. Fay*. Current Hist. Sept., 1930.
- . The significance of the German elections. *Mildred S. Wertheimer*. For. Pol. Assoc. Inf. Service. Sept. 3, 1930.
- Great Britain. Great Britain: home and foreign affairs. Round Table. June, 1930.
- . The consumers' council bill. *J. H. Maggs*. English Rev. June, 1930.
- . Die wirtschaftliche Zukunft des britischen Reiches. *Lord Melchett*. Nord und Süd. June, 1930.
- . La crise agricole en Angleterre. *Cl. Brereton*. Rev. Bleue. June 7, 1930.
- . Unemployment. *Sir Arthur Steel-Maitland*. Nine. Cent. July, 1930.
- . Unemployment. *Sir William Beveridge*. Pol. Quar. July-Sept., 1930.
- . The state in relation to organized industry. *A. L. Dakyns*. Pub. Admin. July, 1930.
- . Aristocracy still the ruling class in England. *Harold J. Laski*. Great Britain's attitude on the drink problem. *W. C. McLeod*. Current Hist. July, Aug., 1930.
- . Seamen's hours of work. *E. Hinton Smith*. Contemp. Rev. Aug., 1930.
- . Britain looks ahead. I. Dark hours in England. *André Siegfried*. II. Young England speaks. *Randolph Churchill*. III. A nation on its knees. "Yaffle." Living Age. Sept., 1930.
- . Budget. Puritans and profligates in finance. Round Table June, 1930.
- . Death duties or life duties. *Henry Higgs*. Quar. Rev. July, 1930.
- . The stamp act in British politics. *William T. Laprade*. Am. Hist. Rev. July, 1930.
- . Government. Legal expenses and the house of lords. *Cyril Pearce*. The reform of parliament. *A. M. Sullivan*. The referendum. *Andrew Browning*. English Rev. June, July, Aug., 1930.
- . The attitude of the courts in matters relating to the royal prerogative. *Malcolm M. Lewis*. Law Quar. Rev. July, 1930.
- . Parliamentary retrospect. *F. Kingsley Griffith*. Contemp. Rev. Sept., 1930.
- . The inefficiency of parliament. *H. Sidebotham* and *Major Walter Elliot*. Pol. Quar. July-Sept., 1930.
- . Politics. The conservative G. H.Q. *Ernest Remnant*. The last chance. "X." English Rev. June, July, 1930.

- . *Wirtschaft und Politik in England*. *Balthasar Weingartz*. Sozialistische Monatshefte. June, 1930.
- . The position of the conservative party. *Anon.* Quar. Rev. July, 1930.
- . English politics through German eyes. *H. Kantorowicz*. Contemp. Rev. July, 1930.
- . The education of Mr. MacDonald. "Augur." The political outlook. *J. M. Kenworthy*. Fort. Rev. July, Aug., 1930.
- . The tenth liberal summer school. *Stuart Hodgson*. The three party system. *S. R. Daniels*. Contemp. Rev. Sept., 1930.
- . Protection. The freedom of England. *Sir Andrew Macphail*. Quar. Rev. July, 1930.
- . Protection without tariffs. *J. W. Scott*. English Rev. Aug., 1930.
- . Free trade ebbs in England. *H. N. Brailsford*. New Repub. Aug. 13, 1930.
- . The new protectionists. *J. A. Hobson*. Nine. Cent. Sept., 1930.
- . The protectionist illusion. *Sir Charles Mallett*. Contemp. Rev. Sept., 1930.
- Greece. Constantinople et les détroits. *Pierre Renouvin*. Rev. Droit Int. Apr.-June, 1930.
- India. The Gandhi movement. Round Table. June, 1930.
- . India—security and the railways. *Henry Freeland*. India in peril. *Lord Sydenham of Combe*. English Rev. June, Aug., 1930.
- . Indien und die Arbeiterpartei. *Franz Josef Furtwängler*. Sozialistische Monatshefte. June, 1930.
- . What next for India? *Upton Close*. World's Work. July, 1930.
- . The empire dies hard: the Simon commission's report on India. *Richard B. Gregg*. Nation. July 9, 1930.
- . Indiens Entwicklung im Vergleich zu Eur-Amerika. *Benoy Kumar Sarkar*. Deutsche Rundschau. July, 1930.
- . Quelques aspects du problème hindou. *Lord Winterton*. Correspondant. July 25, 1930.
- . Education and reforms in India. *Sir Henry Sharp*. The Indian scene. *Sir Stanley Reed*. Nine. Cent. July, Aug., 1930.
- . the Simon report. A non-official European view. *Sir Walter Willson*. The congress scheme and the Simon report. *Sir Maurice Hayward*. Nine. Cent. Sept., 1930.
- . Paramountcy—The problem in India. *Sir William Barton*. The solutions of the Simon report. *Earl Winterton*. Fort. Rev. July, Aug., 1930.
- . Mahatma Gandhi and India's "untouchables." *Katherine Mayo*.
- The Simon commission's plan for India: summary of report. Current Hist. Aug., 1930.
- . Hindous contre Musulmans. *Sir John Maynard*. Rev. Mondiale. Aug. 1, 1930.
- . The Indian situation. *H. I. R. B.* Blackwood's. Aug., 1930.
- . India and the Simon report. *Lord Meston*. Report of the Simon

commission. *Sir Theodore Morison*. Princes, swarajists and perspective. *A. P. Nicholson*. *Contemp. Rev.*, Aug., Sept., 1930.

———. Simon and India. I. The new way in India. II. The Simon proposals. III. The Simon commission fails. *Liv. Age*. Aug., 1930.

———. American opinion and India. The heart of the Indian problem. *Editor*. *New Repub.* Sept. 3, 1930.

———. Gandhi's march past. *Katherine Mayo*. *Atlan. M.* Sept., 1930.

———. British India and the Indian states. *L. F. Rushbrook Williams*. *Yale Rev.* Autumn, 1930.

Indo-China. L'état des esprits en Indochine. I. II. III. *A. de Pourville*. *Nouvelle Rev.* Aug. 1, 15, Sept. 1, 1930.

Ireland. Ireland: events in the free state. Round Table. June, 1930.

———. L'Irlande d'aujourd'hui. II. Dublin. *M. L. Sjoestedt*. *Rev. Deux Mondes*. July 1, 1930.

———. The effect of dual government in Ireland. *Padraic Colum*. Irishmen after eight years of independence. *Alexander Jacob Reynolds*. *Current. Hist.* July, Sept., 1930.

Italy. Breakers ahead for fascist Italy. *Francesco Nitti*. Is the end of fascism in sight? *Percy Winner*. *New Repub.* Aug. 24, Sept. 24, 1930.

Japan. The problem of Japan. Round Table. June, 1930.

———. Democracy in Japan. *T. A. Bisson*. *For. Pol. Assoc. Inf. Service*. June 25, 1930.

———. The Japanese second chamber. *H. Vere Redman*. *Quar. Rev.* July, 1930.

———. The Japan of today. *Harold S. Quigley*. *Current Hist.* Aug., 1930.

Judicial Review. Some phases of the theory and practice of judicial review. *Charles G. Haines*. *Am. Pol. Sci. Rev.* Aug., 1930.

Jugoslavia. Die Neuordnung in Jugoslawien. *Josef März*. *Preuss. Jahrbücher*. June, 1930.

———. La question des emprunts serbes. *M. Novacovitch*. *Rev. Droit Int.* Apr.-June, 1930.

———. Autocracy in Yugoslavia. *Balkanicus*. *Contemp. Rev.* Aug., 1930.

———. Königreich Südslawien. *Viktor Wagner*. *Deutsche Rundschau*. Sept., 1930.

Latin America. Latin American social and political progress. *Carleton Beals*. *Current Hist.* Aug., 1930.

Parliamentary Reform. La réforme des méthodes du travail parlementaire. *A. Lefas*. *Rev. Sci. Pol.* Apr.-June, 1930.

Mexico. Mexico: an analysis and a constructive suggestion. *Eugene E. Rovillain*. *So. Atlan. Quar.* July, 1930.

———. The new penal code of Mexico. *J. Fred Rippy*. *Hisp. Am. Hist. Rev.* Aug., 1930.

New Zealand. New Zealand. Round Table. June, 1930.

Persia. The struggle for power in Persia. *Jan Van As*. *Nation*. Aug. 6, 1930.

Peru. Revolt in Peru. *Arnold Roller*. *Nation*. Sept. 17, 1930.

———. What overthrew Leguía: the responsibility of American bankers for Peruvian evils. *Lawrence Dennis*. *New Repub.* Sept. 17, 1930.

Poland. The civil service of Poland. *Jan Kopczynski*. Pub. Admin. July, 1930.

———. Poland's tenth birthday. *Charlotte Kellogg*. Atlan. M. Aug., 1930.

———. Joseph Pilsudski. *Elias Hurwicz*. Neue Rundschau. July, 1930.

Portugal. The Portuguese republic since the war. *Alva E. Gaymon*. Current Hist. July, 1930.

Roumania. Les evènements de Roumanie. *L. Dumont-Wilden*. Rev. Bleue. June 21, 1930.

———. Changement de règne en Roumanie. * * *. Correspondant. June 25, 1930.

———. The Rumanian restoration. *Politicus*. English Rev. July, 1930.

———. Le nouveau règne roumain. *Jean Laroque*. Grande Rev. July, 1930.

———. Rebuilding the economic life of Rumania. *Frederic A. Ogg*. The situation that made Carol king of Rumania. *Emil Lengyel*. Current Hist. July, Sept., 1930.

———. Carol comes back. *William H. Crawford*. World's Work. Aug., 1930.

———. Carol in Rumania. *Robert Machray*. Fort. Rev. Sept., 1930.

Russia. Die unpolitisch politische Linie. *Friedrich Carl Badendieck*. Deutsche Arbeit. May-June, 1930.

———. The new economic policy of the soviet union. *Calvin Hoover*. Econ. Jour. June, 1930.

———. Russland gestern und heute. *Spectator Orientalis*. Preuss. Jahrbücher. June, July, 1930.

———. A survey of soviet Russia's accomplishments. *Boris E. Skvirsky*. Current Hist. July, 1930.

———. Eavesdropping in Russia. *Joshua Kunitz*. N. Am. Rev. July, 1930.

———. Soviet transport plans: winning the east. *Bruce C. Hopper*. Stalin's power. *Paul Scheffer*. For. Affairs. July, 1930.

———. Moscow stretches east. I. Russia's new railway. *Wilm Stein*. II. Moscow, 1930. *Heinz Pol*. Russia present and future. I. Russia's economic future. *Nicholaus Basseches*. II. Moscow as I saw it. Living Age. July, Sept., 1930.

———. La persecution religieuse diminue-t-elle en Russie? *M^{re} Michel D'Herbigny*. La ruine morale en U.S.S.R. La destruction de la famille. *Comte Kokovtsoff*. Rev. Deux Mondes. July 15, Aug. 15, 1930.

———. Russia's agrarian problem. *Vera Micheles Dean*. For. Pol. Assoc. Inf. Service. July 23, 1930.

———. Stalin as the new Lenin. *Editor*. New Repub. July 23, 1930.

———. The war upon peasants. *M. I. Ganfman*. Fort. Rev. Aug., 1930.

———. Why Stalin won. *Louis Fischer*. Nation. Aug. 13, 1930.

———. The communist engineer. *William C. White*. Forum. Sept., 1930.

———. Die Agonie des Zarismus. *Leo Trotzki*. Neue Rundschau. Sept., 1930.

———. The soviet challenge to capitalism. *Calvin B. Hoover*. Harper's. Oct., 1930.

Siam. Siam d'autrefois et Siam d'aujourd'hui. *P. Louis Rivière*. Rev. Hist. May-June, 1930.

South Africa. South Africa. Round Table. June, 1930.

Spain. King Alfonso and the crisis in Spain. Round Table. June, 1930.

Taxation. The taxpayers' movement in Europe. *Günter Schmolders*. Nat. Mun. Rev. Aug., 1930.

Turkey. L'évolution de la Turquie. I. *Roger Labonne*. Correspondant. Aug. 25, 1930.

Unemployment. Unemployment a world-wide problem. *Nathan S. Fine*. Current Hist. Sept., 1930.

INTERNATIONAL RELATIONS

Books

Abbas Hilmi II. A few words on the Anglo-Egyptian settlement. Pp. 106. London: Allen & Unwin.

Alvin, G. et Tuffran, P. La grande guerre. Pp. 312. Paris: Gauthier-Villars.

Angell, James W. Der Wiederaufbau Deutschlands. Von Versailles bis zum Youngplan. Pp. xvi+323. München: Duncker & Humblot.

Bardoux, Jacques. L'expérience de 1924. Pp. 307. Paris: Firmin-Didot.

Bertonelli, L. Il nostro mare. Pp. 150. Florence: Bemporad.

Biesel, Eduard. Die völkerrechtliche Stellung des Saargebiets. Pp. xviii+135. Leipzig: Robert Noske.

Bogitschewitsch, Milos. Die auswärtige Politik Serbiens. Pp. 617. Berlin: Brückenverlog.

Bonne, Georg. Im Kampf um den Weltfrieden. Pp. 395. München: Ernst Reinhardt.

Bouard, A. de. Manuel de diplomatie française et pontificale. Vol. I. Diplomatie générale. Pp. 397. Paris: Picard.

Brinton, Jasper Yeates. The mixed courts of Egypt. New Haven: Yale Univ. Press.

Brunner, Christopher T. The problem of oil. Pp. 232. London: Benn.

Carena, Annibale. La competenza del consiglio della società delle nazioni nelle controversie internazionali. Pp. 130. Pavia: Fil. Treves.

Chaire, Somerset de. The impending storm. N. Y.: Richard R. Smith.

Chélar, Raoul. Responsabilité de la Hongrie dans la guerre mondiale, 1914-1918. Paris: Bossard.

Ciarlanti, F. Incontro col Nord America. Pp. 298. Milan: Alpes.

Colegrove, Kenneth W. International control of aviation. Pp. 234. Boston: World Peace Foundation.

Colliez, André. Notre protectorat marocain. La première étape 1912-1930. Pp. 630. Paris: Rivière.

Constantinoff, Jean. La codification du droit international et l'unification législative. Pp. 240. Paris: Chauny et Quinsac.

Dimitch, V. N. La courtoisie internationale et le droit des gens. Pp. 174. Paris: Recueil Sirey.

Donnadieu, James. La liquidation de la victoire. Pp. 256. Paris: Tallandier.

Dotremont, Stanislas. L'arbitrage international et le conseil de la société des nations. Pp. 464. Brussels: Maurice Lamertin.

Feis, Herbert. Europe the world's banker, 1870-1914. New Haven: Yale Univ. Press.

Folkeforbundets første Tiaar. Pp. 238. Copenhagen: Levin & Munksgaard.

Frei, Paul Henri. De la situation juridique des représentants des membres de la société des nations et de ses agents. Pp. 118. Paris: Recueil Sirey.

Gihl, Torsten. Gransen för Sveriges territorialvatten. Pp. 312. Stockholm: P. A. Norstedt & Söner.

Gooch, G. P., and Temperley, Harold, eds. British documents on the origins of the war, 1898-1914. Vol. VI. Anglo-German tension, armaments, and negotiation, 1907-1912. Pp. lv+867. London: H. M. Stationery Office.

Grisson, Philippe. La liberté des mers et la rivalité anglo-américaine (de 1920 à 1930). Pp. 112. Paris: Edit. et Publications contemporaines.

Hantos, Elemer. L'économie mondiale et la société des nations. Pp. 384. Paris: Giard.

Headlam-Morley, Sir James. Studies in diplomatic history. (Edited by Kenneth and Agnes Headlam-Morley.) Pp. vii+312. London: Methuen.

Hodges, Henry G. Diplomatic relations between the United States and Great Britain. Pp. 148. Boston: Badger.

Hoijer, Olof. La sécurité internationale et ses modes de réalisation. 4 vols. Pp. 368; 273; 182; 225. Paris: Les Editions Internationales.

Hold-Fernack, Alexander. Lehrbuch des Völkerrechts. Pp. 257. Leipzig: Meiner.

Howland, Charles P., ed. Survey of American foreign relations, 1930. (Council on Foreign Relations.) New Haven: Yale Univ. Press.

Jaudel, P. Les paiements internationaux. Pp. 312. Paris: Chauny et Quinsac.

Jordan, Donaldson, and Pratt, Edwin J. Europe and the American civil war. Boston: Houghton Mifflin.

Kelchner, Warren H. Latin American relations with the league of nations. Pp. 207. World Peace Foundation Pamphlets. Vol. XII, no. 6 (1929).

Kloeveborn, Dr. Das Saargebiet, seine Struktur, seine Probleme. Pp. 584. Saarbrücken: Gebr. Hofer.

Levert, J. A. De economische en financieele Organisatie van den Volkenbond. Pp. vi+197. Wageningen: H. Veenman & Zonen.

MacDonald, James Ramsay. American speeches. Pp. 157. Boston: Houghton Mifflin.

Marchal, Jean. Union douanière et organisation européenne. Pp. xiii + 231. Paris: Recueil Sirey.

Marichenko, M. Le pétrole, maître du monde. Pp. 255. Paris: La Revue Pétrolière.

Martin-Saint-Léon, Et. Les sociétés des nations. Étude sur les éléments constitutifs de la nation française. Paris: Spes.

Masaryk, Thomas G. L'idéal d'humanité. Paris: Rivière.

- Mazur, Paul M.* America looks abroad. Pp. 314. N.Y.: Viking Press.
- Mendès-France, Pierre.* La banque internationale. Paris: Libr. Valois.
- Militch, Milenko.* Les attributions communes et les rapports du conseil et de l'assemblée de la société des nations. Pp. 316. Paris: G. & M. Derre.
- Mousset, Albert.* L'Albanie devant l'Europe. Pp. 128. Paris: Delagrave.
- Müller, Leonhard.* Der Kampf zwischen politischen Katholizismus und Bismarcks Politik im Spiegel der schlesischen Volkszeitung. Pp. 282. Breslau: Müller & Seiffert.
- Natkėvicius, L.* Aspect politique et juridique du différend polono-lithuanien. Pp. 360. Paris: Chauny et Quinsac.
- Nava, S.* Il mandato francese in Siria dalle sue origine al 1929. Pp. 269. Padua: Studi Coloniali.
- Nevins, Allan.* Thirty years of American diplomacy: the life and times of Henry White. N. Y.: Harper's.
- Newman, E. W. Polson.* Britain and the Baltic. Pp. 276. London: Methuen.
- Percy, Lord Eustace.* Maritime trade in war. New Haven: Yale Univ. Press.
- Phelps, Christina.* The Anglo-American peace movement in the mid-nineteenth century. N. Y.: Columbia Univ. Press.
- Poincaré, Raymond.* Les responsabilités de la guerre. Paris: Payot.
- Popovitch, Georges.* La composition du conseil de la société des nations. Pp. 182. Lausanne: Imp. La Concorde.
- Reinhard, Ernst.* Kampf um Suez. Pp. 328. Dresden: Kaden.
- Renard, Albert.* Paix ou guerre? Pp. 208. Paris: Alcan.
- Reut-Nicolussi, Eduard.* Tyrol under the axe of Italian fascism. Pp. 278. London: Allen & Unwin.
- Rivière, Jacques.* Pour et contre une société des nations, 1917-1918. Paris: L'Artisan du Livre.
- Rollin, Léon.* Sous le signe de Monroe. Autour de la Méditerranée américaine. Paris: Alcan.
- Römer, Hans G.* Amerikanische Interessen- und Prinzipienpolitik in Mexico 1910 bis 1914. Pp. x+150. Hamburg: Friederichsen, de Gruyter & Co.
- Roth, Heinz.* Das Kontrollsystem der Völkerbundsmandate. Pp. 124. Berlin: Ferd. Dümmler.
- Santi Nava.* Il mandato francese in Siria dalle sue origini al 1929. Pp. 261. Padova: A. Milani.
- Schiff, Victor.* The Germans at Versailles, 1919. (Translated by Geoffrey Dunlop.) Pp. 208. London: Williams & Norgate.
- Schmitt, Bernadotte E.* The coming of the war: 1914. 2 vols. N.Y.: Scribner's.
- Smogorzewski, C.* Poland, Germany, and the corridor. Pp. 163. London: Williams & Norgate.
- Smuts, J. C.* Africa and some world problems. Oxford: Clarendon Press.
- Turlington, Edgar.* Mexico and its foreign creditors. N. Y.: Columbia Univ. Press.
- Uplegger, Fritz.* Die englische Flottenpolitik vor dem Weltkriege. Pp. 129. Stuttgart: Kohlhammer.
- Van Kirk, Walter W.* Highways to international good will. Pp. 190. N.Y.: Abingdon Press.

Wahl, Kurt H. Die deutschen Länder in der Aussenpolitik. Pp. 162. Stuttgart: Enke.

Wallace, Benjamin B., and Lynn, R. Edminster. International control of raw materials. Pp. 479. Washington: Brookings Inst.

Weber, Hans Siegfried. Der Kampf um die Saar. Berlin: Deutsche Rundschau.

Wegerer, Alfred von. A refutation of the Versailles war guilt thesis. (Translated from the German by Edwin H. Zeydel.) N.Y.: Knopf.

Wehberg, Hans. Die Aechtung des Krieges. Pp. 195. Berlin: Franz Vahlen.

Wintgens, Hugo. Der völkerrechtliche Schutz der nationalen, sprachlichen und religiösen Minderheiten. Pp. xxxv+502. Stuttgart: W. Kohlhammer.

Wu, Chao-Kwang. The international aspect of the missionary movement in China. (Johns Hopkins Univ. Studies.) Pp. 294. Baltimore: Johns Hopkins Press.

Zingarelli, Italo. Das Erbe von Versailles. Pp. 405. Vienna: Amalthea-Verlag.

Articles

American Foreign Policy. Early diplomatic relations of the United States and Chile. Charles Pergler. Nat. Univ. Law Rev. Jan., 1930.

———. Die auswärtigen Ämter: Ein Vergleich zwischen der Vereinigten Staaten und Europa. Henry Kittredge Norton. Hamburg-Amerika-Post. Vol. 2, no. 6 (1930).

———. America is too rich to be loved. Owen D. Young. Univ. of Calif. Chronicle. July, 1930.

———. World depression and home politics. Frank H. Simonds. Rev. of Revs. Sept., 1930.

• Arabia. Arabie centrale: la lutte entre le Nedjd et le Hedjaz. L. Krajewski. Rev. Pol. et Parl. Aug., 1930.

———. Ferment in the Arabic world. Felix Valyi. Nation. July 16, 1930.

Asia. Sarajevos in Asia. Raymond Fuller. N. Am. Rev. July, 1930.

———. Le conflit anglo-russe en haute-Asie. I. Marcel Bouvier. Rev. Mondiale. Sept. 1, 1930.

Balkans. Italie et Yougoslavie. Comte Carlo Sforza. L'Esprit Int. July, 1930.

Bolivia-Paraguay Dispute. The Bolivia-Paraguay dispute. L. H. Woolsey. Am. Jour. Int. Law. July, 1930.

Briand. Aristide Briand. Etienne Fournol. Nord und Süd. June, 1930.

Central Europe. Central Europe in distress. Marcel Ray. Liv. Age. Aug., 1930.

• China. La nouvelle organisation judiciaire à Shanghai. F. E. H. Greenman. Bull. l'Inst. Interméd. Int. July, 1930.

———. Future of the international settlement at Shanghai. C. D. Bruce. English Rev. July, 1930.

———. Moscow goads China. Rodney Gilbert. N. Am. Rev. Oct., 1930.

Codification. Nationality and other problems at the Hague. David Hunter Miller. For. Affairs. July, 1930.

———. The Hague codification conference. *Edwin M. Bophard*. *Nation*. July 23, 1930.

———. La conférence de codification de la Haye. *J. Gustavo Guerrero*. *Rev. Droit Int.* Apr.-June, 1930.

———. The first conference for the codification of international law. *Manley O. Hudson*. The codification of the law of territorial waters. *Jesse S. Reeves*. Nationality convention, protocols and recommendations adopted by the first conference on the codification of international law. *Richard W. Flournoy, Jr.* *Am. Jour. Int. Law*. July, 1930.

———. Den første Folkeretskonference. *Hugo Hergel*. *Gads Danske Mag.* July-Aug., 1930.

———. Danube. International control of the river Danube. *Glen A. Blackburn*. *Current Hist.* Sept., 1930.

———. Diplomacy. Mes missions diplomatiques. *Trandafir G. Djuvara*. *Rev. Sci. Pol.* Apr.-June, 1930.

———. Diplomatic futility. *Joseph B. Lockey*. *Hisp. Am. Hist. Rev.* Aug., 1930.

———. Disarmament. La conference navale de Londres. *L. de Montluc*. *Rev. Droit Int. Sci. Dipl. et Pol.* Jan.-Mar., 1930.

———. The drag of slogans. *David Y. Thomas*. *Southwest Rev.* Spring, 1930.

———. Towards peace or war? Round Table. June, 1930.

———. Décadence des armes. *Pierre d'Hughes*. *Correspondant*. June 10, 1930.

———. A criticism of the naval conference. *E. A. Taylor*. *English Rev.* June, 1930.

———. Der Erfolg der Londoner Flottenkonferenz. *A. Mendelssohn Bartholdy*. *Europäische Gespräche*. June, 1930.

———. British statesmen debate the London treaty. *Ramsay MacDonald* and *Winston Churchill*. Should the London treaty be ratified? *Cong. Digest*. June-July, 1930.

———. Continuous naval parleys. *William Hard*. *World's Work*. July, 1930.

———. After the London conference—a French view. *Pierre Lyautey*. *Nine. Cent.* July, 1930.

———. The London naval conference. An American view. *Walter Lippmann*. A French view. *André Géraud*. *For. Affairs*. July, 1930.

———. The truth about the Singapore naval base. *K. G. B. Dewar*. *Contemp. Rev.* July, 1930.

———. Les leçons de la conférence navale. *Paul Mantoux*. *L'Esprit Int.* July, 1930.

———. La Reichsheer et la paix. *XXX. Mercure de France*. Aug. 1, 1930.

———. Le désarmement et la paix. *J. M. Bourget*. *Rev. Paris*. Aug. 1, 1930.

———. Our navy under the London treaty. *Melvin F. Talbot*. *Atlan. M.*, Sept., 1930.

———. The London naval conference: an American success. *A. Mendelssohn Bartholdy*. *Hamburg-Amerika-Post*. Vol. 2, no. 6 (1930).

- Egypt.** The Egyptian blunder. *C. R. Beasley*. English Rev. July, 1930.
- . Les tribunaux mixtes et le statut des français en Egypte. *Frederic Giraud*. Rev. Pol. et Parl. Aug., 1930.
- . The Anglo-Egyptian failure. *David W. Wainhouse*. Nation. Sept. 24, 1930.
- Entente.** Die Ablehnung des englischen Bündnisanspruchs (1898-1901.) *Konrad Lehmann*. Preuss. Jahrbücher. Aug., 1930.
- European Federation.** Memorandum on the organization of a régime of European federal union. Int. Conciliation. June, 1930 (Spec. Bull.).
- . Le memorandum Briand et la fédération européenne. *Georges Scelle*. La Grande Bretagne et les états-unis d'Europe. *Pierre Fromont*. Rev. Pol. et Parl. June, 1930.
- . Le problème de la souveraineté d'états et la coopération européens. *Joseph Barthélemy*. Memorandum sur l'organisation d'un régime d'union fédérale européenne. Rev. Droit Int. Apr.-June, 1930.
- . Die vereinigten Staaten von Europa. *Winston Churchill*. Die vereinigten Staaten von Europa. *Yvon Delbos*. Nord und Süd. June, July, 1930.
- . Pan-America and pan-Europe. *Louis Guislaine*. Liv. Age. July, 1930.
- . Le projet d'union fédérale européenne de M. Briand. *Auguste Gauvain*. L'Esprit Int. July, 1930.
- . The disunited states of Europe. *W. H. Dawson*. Contemp. Rev. July, 1930.
- . Paneuropa? Europa. *Hermann Ullmann*. Kunstwart. July, 1930.
- . La guerre douanière entre les deux mondes et la fédération européenne. *L. Dumont-Wilden*. Rev. Bleue. July 5, 1930.
- . The proposed federation of European states. I. *Count Carlo Sforza*. II. The Briand plan for European union. *John B. Whitton*. Current Hist. July, Sept., 1930.
- . The united states of Europe. *Salvador de Madariaga*. Nine. Cent. Aug., 1930.
- . Angleterre et fédération européenne. *Thomas Greenwood*. Rev. Mondiale. Aug. 15, 1930.
- . Le projet d'union européenne. *Gabriel Hanotaux*. Rev. Deux Mondes. Aug. 15, 1930.
- . Le projet d'union européenne. *Pierre Bernus*. Rev. Paris. Sept. 1, 1930.
- . The Briand project for European union. *William T. Stone*. For. Pol. Assoc. Inf. Service. Sept. 17, 1930.
- Foreign Investments.** British foreign investments in 1928. *Sir Robert Kingsley*. Econ. Jour. June, 1930.
- . American industry abroad. *Louis Domeratzky*. For. Affairs. July, 1930.
- . Financial aspects of international relations. *Sir Josiah Charles Stamp*. Pol. Sci. Quar. Sept., 1930.
- . The power trust goes international. *M. L. Ramsay*. New Repub. Sept. 3, 1930.

———. Spats or specie? Is the international banker displacing the diplomat? *E. F. Baz.* N. Am. Rev. Oct., 1930.

Franco-Italian Relations. Italy versus France. *A Paris Correspondant.* Liv. Age. July, 1930.

———. Franco-Italian relations. *E. W. Polson Newman.* Contemp. Rev. Aug., 1930.

———. The continental crisis. The French case. *John Bell.* The Italian case. *Maxwell H. H. Macartney.* Fort. Rev. Aug., 1930.

———. Italie et France. *Comte Sforza.* Rev. Paris. Aug. 15, 1930.

Freedom of the Seas. The proposed immunity for food ships in time of war. *James W. Garner.* Am. Jour. Int. Law. July, 1930.

German-Polish Relations. 'Les conditions de l'apaisement' germano-polonais. *Casimir Smogorzewski.* L'Esprit Int. July, 1930.

International Labor Organization. The international labor organization. *Edward M. Gilliard.* Am. Jour. Sociol. Sept., 1930.

International Law. Le nouveau droit international. *James W. Garner.* Rev. Gén. Droit Int. Pub. May-June, 1930.

———. The relation of international law to the law of Germany. *Ruth D. Masters.* Pol. Sci. Quar. Sept., 1930.

———. A German contribution to the progress of international law: the Deutsche Gesellschaft für Völkerrecht. *Walter Simons.* Hamburg-Amerika-Post. No. 7, 1930.

Intervention. Études diplomatiques.—Les projets d'intervention japonaise 1914-1917. *Albert Pingaud.* Rev. Deux Mondes. Sept. 1, 1930.

Italy. Mussolini's foreign policy. *E. W. Polson Newman.* Fort. Rev. July, 1930.

———. Will Mussolini provoke a war? *Frank H. Simonds.* Rev. of Revs. July, 1930.

———. Italiens Abkehr vom Dreibund 1901-1903. *Maximilian Claar.* Europäische Gespräche. Aug.-Sept., 1930.

League of Nations. Hopes and fears at Geneva. *Pitman B. Potter.* Southwest Rev. Spring, 1930.

———. La renonciation à la guerre et le pacte de la société des nations. *Edouard Bénès.* L'Esprit. Int. July, 1930.

———. Der Völkerbund und die neutralen Staaten. *Herluf Zahle.* Nord und Süd. July, 1930.

———. The United States and the league of nations. *Raymond Leslie Buell.* The league of nations and prevention of war. *Mildred S. Wertheimer.* For Pol. Assoc. Inf. Service. July 9, Aug. 6, 1930.

———. The real value of the league. *Gilbert Murray.* Harper's. Sept., 1930.

Manchuria. Political aspects of the Japanese railway enterprises in Manchuria. *Lin Tung-Chi.* Chinese Soc. and Pol. Sci. Rev. Apr., 1930.

———. A new market for Great Britain: Manchuria. *G. L. Shaw.* Contemp. Rev. July, 1930.

———. La Mandchourie et la Chine. *Gaston Cadoux.* Rev. Pol. et Parl. Aug., 1930.

Mandates. Will Iraq go free? *Editor.* New Repub. July 30, 1930.

———. *Ira and the British treaties.* *Elizabeth P. MacCallum.* For. Pol. Assoc. Inf. Service. Aug. 20, 1930.

Minorities. Les minorités opprimées.—Les Polonais en Allemagne. *Ph. Poirson.* Rev. Deux Mondes. July 1, 1930.

———. Il diritto internazionale delle minoranze. *Angelo Piero Sereni.* Riv. Diritto Int. May-June, 1930.

———. The league council and a minorities commission. *L. P. Mair.* Pol. Quar. July-Sept., 1930.

Nationality. Nationality. *James Brown Scott.* Am. Jour. Int. Law. July, 1930.

———. Die Staatenlosen. *Kurt Grossmann.* Nord und Süd. July, 1930.

Oil. La question du pétrole. *Général Pelecier.* Rev. Deux Mondes. Aug. 1, 1930.

———. Mosul oil and the pipe line. *Sir Henry Dobbs.* Nine. Cent. Sept., 1930.

Opium Traffic. The league fights the poppy. *Helen H. Moorhead.* New Repub. Aug. 20, 1930.

Outlawry of War. Le pacte de Paris et le pacte de la société des nations. *N. Ito.* Rev. Pol. et Parl. July, 1930.

Peace. La technicité juridique de la paix. *A. de Monzie.* Rev. Paris. June 15, 1930.

Pacific Settlement. The general act for the pacific settlement of international disputes. *Quincy Wright.* Am. Jour. Int. Law. July, 1930.

Palestine. What next in Palestine? *Victor S. Yarros.* Nation. July 30, 1930.

———. The future in Palestine. *H. N. Brailsford.* Behind the wailing wall. Editor. The future of Zion. *Harold Lamb.* New Repub. July 30, Sept. 10, 1930.

• ———. Malice in Palestine. *Rebecca Hourwich.* World's Work. Aug., 1930.

———. The Palestine dilemma. *W. H. Stoker.* English Rev. Aug., 1930.

Polish Corridor. Le problème de l'est. *Wladimer d'Ormesson.* Rev. Paris. Aug. 1, 1930.

Prisoners of War. Code des prisonniers de guerre. *Gustave Rasmussen.* Rev. Droit Int. Sci. Dipl. et Pol. Jan.-Mar., 1930.

Prize Courts. The confederate district courts in admiralty. *William M. Robinson, Jr.* So. Atlan. Quar. April, 1930.

Propaganda. Propaganda as an instrument of war. *George C. Bruntz.* Current Hist. July, 1930.

Rebus Sic Stantibus. Le problème de la clause rebus sic stantibus. *Raoul Genet.* Rev. Gén. Droit Int. Pub. May-June, 1930.

• Refugees. L'établissement des réfugiés en Grèce. *P. A. Argyropoulo.* Rev. Sci. Pol. Apr.-June, 1930.

Reparations. Après les ratifications du plan Young révision et sanctions. *Andre Pepy.* Rev. Droit Int. Apr.-June, 1930.

———. Germany in chains. I. Tribute to the cartels. *Walter Wannemacher.* II. Tribute to America. *Rudolf Keller.* Liv. Age. July, 1930.

———. Reparations and the bank for international settlements. *R.S. Smith.* So. Atlan. Quar. July, 1930.

———. Taking reparations out of politics. *Thomas W. Lamont*. Rev. of Revs. July, 1930.

———. The reparations settlement and economic peace in Europe. *Thomas W. Lamont*. Pol. Sci. Quar. Sept., 1930.

———. The bank for international settlements. *Manley O. Hudson*. Am. Jour. Int. Law. July, 1930.

———. La banque des règlements internationaux. * * *. *L'Esprit Int.* July, 1930.

———. Wirtschaftliche und soziale Zukunftsaufgaben der Weltbank.

Hans Heymann. Auswirkungen der Reparationsanleihe. *Richard Reisch*. Nord und Süd. June, July, 1930.

———. The final settlement of the reparations problems growing out of the world war. *Int. Conciliation*. Sept., 1930.

Responsibility of States. De la responsabilité internationale de états à raison de crimes ou délits commis sur leur territoire du préjudice d'étrangers. *Jacques Dumas*. Rev. Droit Int. Apr.-June, 1930.

———. Responsibility of states for damages caused in their territory to the person or property of foreigners. *Green H. Hackworth*. "Responsibility of states" at the Hague codification conference. *Edwin M. Borchard*. Am. Jour. Int. Law. July, 1930.

———. The international conference on the treatment of foreigners. *Arthur K. Kuhn*. Am. Jour. Int. Law. July, 1930.

Rhine. Germany set free. *Pierre Lafue*. Liv. Age. July, 1930.

———. Die Oberrheinfrage. *A. Lederle*. Rev. Droit Int. Sci. Dipl. et Pol. Jan.-Mar., 1930.

———. France's Rhineland adventure. *Ferdinand Tuohy*. Contemp. Rev. July, 1930.

———. L'Allemagne au lendemain de l'évacuation rhénane. *Edmond Vermeil*. Rev. Pol. et Parl. Aug., 1930.

———. All quiet on the western front—at last. *Frank H. Simonds*. Rev. of Revs. Aug., 1930.

Russia. The boycott on Russia. *Editor*. New Repub. Aug. 6, 1930.

———. Our attitude toward Russia. *Oswald Garrison Villard*. Nation. Aug. 13, 1930.

———. Can Russia pay? *Simon Rappoport*. Contemp. Rev. Sept., 1930.

———. Russia's challenge to American business. *John Carter*. Scribner's. Oct., 1930.

———. Soviet Russia's claims against the United States. *Frederick L. Schumann*. The soviet union: the questions of recognition. I. Anon. II. *John Spargo*. Current Hist. Aug., Sept., 1930.

Saar. Les relations allemandes et l'affaire de la Sarre. *L. Dumont-Wilden*. Rev. Bleue. Aug. 2, 1930.

Sanctions. Europa und die Vereinigten Staaten: Das Problem der Sanktionen. *Philip Kerr*. Hamburg-Amerika-Post. Vol. 2, no. 6 (1930).

St. Lawrence Waterway. The St. Lawrence navigation and power project. *H. G. Moulton*, *C. S. Morgan*, and *A. L. Lee*. The St. Lawrence navigation and power project: a rejoinder. *Leslie R. Thompson*. Jour. Pol. Econ. June, Aug., 1930.

Succession. Théorie de la succession d'état à état. *Rev. Droit Int.* Apr.-June, 1930.

Slavery. Observations on slavery and privateering. *William Renwick Riddell. Jour. Negro Hist.* July, 1930.

Territorial Waters. Delimitation of the territorial sea. *S. Whittemore Boggs. Am. Jour. Int. Law.* July, 1930.

Tariff. European reaction to American tariff. *John B. Whitton. Current Hist.* Sept., 1930.

———. Free trade and peace. *Gilbert Murray. Contemp. Rev.* July, 1930.

———. Protection run wild. *European Writers. Living Age.* Aug. 1, 1930.

Vatican. La natura giuridica della città del Vaticano. *Aldo Checchini. Riv. Diritto Int.* May-June, 1930.

———. Pius XI. oder die römische Kirche und der Faschismus. *Carlo Sforza. Neue Rundschau.* Aug., 1930.

Versailles Treaty. Since Versailles. *William Martin. Va. Quar. Rev.* Oct. 1930.

Vilna. The Vilna question today. *H. Wilson Harris. Contemp. Rev.* Aug., 1930.

World Court. La procédure orale devant la cour de justice. *André-Marie Guynot. L'adhésion des États Unis à la cour permanente de justice internationale. Maurice Bourquin. Rev. Gén. Droit Int. Pub.* May-June, 1930.

———. The world court. *Forrest G. Donnell. Com. Law League Jour.* Aug., 1930.

———. The United States and the world court. *Carl L. W. Meyer. Current Hist.* Aug., 1930.

World War. Volume VI of the British documents. *J. A. Spender. Contemp. Rev.* July, 1930.

———. New light on Franz Ferdinand. *Theodor von Sosenosky. Contemp. Rev.* July, 1930.

———. Uncle Sam in Siberia. *Oland D. Russell. Am. Mercury.* Sept., 1930.

———. Les documents français sur les origines de la guerre. *L. Dumont-Wilden. Rev. Bleue.* Sept. 6, 1930.

———. Origins of the world war: I. An important admission by Poincaré. *Alfred von Wegerer. II. Documentary proof of the allies' war plans before 1914. Stella K. Margold. Current Hist.* Sept., 1930.

JURISPRUDENCE

Books

Bonner, Robert J., and Smith, Gertrude. The administration of justice from Homer to Aristotle. Chicago: Univ. of Chicago Press.

Frank, Jerome. Law and the modern mind. N. Y.: Brentano's.

Gallagher, Hubert R. Crime prevention as a municipal function. Syracuse: Syracuse Univ.

Johnsen, Julia E., comp. Selected articles on law enforcement. Pp. 411. N. Y.: H. W. Wilson.

- Moley, Raymond.* Our criminal courts. N. Y.: Minton, Balch.
Piot, A. Droit naturel et réalisme. Paris: Libr. Gén. de Droit et de Juris.
Pound, Roscoe. Criminal justice in America. Pp. 240. N. Y.: Holt.

Articles

- Bar.** The rising tide of advocates. *Will Shafroth.* The task of legal education in the south. *Albert Coates.* Am. Bar Assoc. Jour. July, 1930.
 ———. The lawyer today. *William L. Ransom.* Am. Bar Assoc. Jour. Sept., 1930.
Chinese Law. An introduction to Chinese law. *Charles S. Lobingier.* China Law Rev. July, 1930.
Coke. Sir Edward Coke. *Roland G. Usher.* St. Louis Law Rev. June, 1930.
Common Law. The development of the common law in Hawaii. *Earl R. McGhee.* Boston Univ. Law Rev. June, 1930.
Conflict of Laws. L'Amérique et la codification du droit international privé. *Rodrigo Octavio.* Rev. Droit Int. Apr.-June, 1930.
 ———. De l'absence en droit international privé. *P. Mariotte.* Jour. Droit Int. May-June, 1930.
Crime. Who killed "Jake" Lingle? *Paul Blanshard.* Newspaper criminals in Chicago. *A Veteran Journalist.* Nation. July 2, 23, 1930.
 ———. Racketeers and organized labor. *Louis Adamic.* Harper's. Sept., 1930.
 ———. Uniform crime reporting. *Donald C. Stone.* Minn. Municipalities. Sept., 1930.
Criminal Justice. Recent progress in the treatment of the criminal. *Hastings H. Hart.* Am. City. Sept., 1930.
 ———. The administration of criminal justice. *Raymond Moley.* Minn. Municipalities. Sept., 1930.
French Law. Observations sur l'étude de la procédure civile. *H. Vizioz.* Le modus acquirendi dans le droit civil français. *J. Peritch.* Rev. Gén. Droit Légis. et Juris. Apr.-June, 1930.
Insanity Pleas. Insanity pleas in court procedure. *Winfred Overholser.* Current Hist. Aug., 1930.
Institute of Law. Law as a science. *Joseph S. Ames.* Current Hist. Aug., 1930.
Judicial Prejudice. Prejudice speaks from the bench: the court's decision in the Mooney-Billings case. *George P. West.* New Repub. July 23, 1930.
Judicial Tenure. Judges and statutory tenure in the seventeenth century. *James C. Corson.* Jurid. Rev. June, 1930.
Jury. Exemption from jury service and challenge for cause in Missouri. *Robert E. Rosenwald.* St. Louis Law Rev. June, 1930.
 ———. Place of trial in civil actions. *Roger S. Foster.* Harvard Law Rev. June, 1930.
Law Enforcement. The law of the land. *Brand Whitlock.* Atlan. M. Aug., 1930.
Law Merchant. The romance of the law merchant. *Jacob M. Goodyear.* Dickinson Law Rev. June, 1930.

Law Reform. Problems to be solved in undertaking the reformation of the law. *Henry Upson Sims*. Am. Bar Assoc. Jour. July, 1930.

Legal Aid. Legal aid clinics and the bar. *John S. Bradway*. South. Calif. Law Rev. June, 1930.

Legal Education. Oxford and American legal education: a contrast. *Vergil M. Hancher*. Am. Bar Assoc. Jour. Aug., 1930.

Police. Police progress in practice and theory. *August Vollmer*. Am. City. Sept., 1930.

Precedent. The history of judicial precedent. *T. Ellis*. Law Quar. Rev. April, July, 1930.

Prisons. A common-sense prison. *Winthrop Martin*. Rev. of Revs. July, 1930.

———. Five years of progress in prison administration. *G. D. Turner*. Contemp. Rev. Aug., 1930.

Probate Courts. Judicial fussiness in probate practice. *Albert M. Chandler*. Mass. Law Quar. May, 1930.

Procedure. Plain tales from the law courts. "Benthamite." *Fort*. Rev. July, 1930.

———. Befuddled justice. *Thomas Compere*. Forum. Aug., 1930.

Written Opinions. The requirement of written opinions. *Max Radin*. Calif. Law Rev. July, 1930.

LOCAL GOVERNMENT

Books

Burnstan, Arthur Rowland. Special assessment procedure. Pp. 272. Albany: N. Y. State Tax Commission.

Cam, H. M. The hundred and hundred rolls: an outline of local government in mediaeval England. Pp. xv+296. London: Methuen.

Drake, Russell P. Municipal insurance practices of New York municipalities. Syracuse: Syracuse Univ.

Fairlie, John A., and Kneier, Charles Mayard. County government and administration. Pp. xiii+585. N. Y.: Century Co.

Hoffer, Frank W. Counties in transition. Pp. 255. (Institute for Research in the Social Sciences.) Univ. of Va.

Kilpatrick, Wylie. Problems in contemporary county government. Univ. (Va.): Institute for Research in the Social Sciences.

Lantis, Lee Ora. Rural community life. Pp. 383. N. Y.: Am. Book Co.

Masani, R. P. Evolution of local self-government in Bombay. Pp. xviii+421. Oxford: Univ. Press.

Shambaugh, Benjamin F., ed. Municipal government and administration in Iowa. 2 vols. Pp. 608; 668. Iowa City: State Hist. Soc. of Ia.

Vaile, Roland S., ed. The small city and town. Pp. 160. Minneapolis: Univ. of Minn. Press.

Articles

Accounting. Accounting and the water-works budget. *Ben H. Bridges*. Am. City. July, 1930.

Billboards. England's war on ugliness. *Kenneth L. Roberts*. Sat. Eve. Post. July 26, 1930.

- . The latest billboard decision. *Albert S. Bard*. *Am. City*. Aug., 1930.
- Budget.** Methods of exercising budgetary control. *E. C. Garvin*. *Pub. Management*. Sept., 1930.
- City Manager.** The city manager and the courts. *John M. Pfiffner*. *Pub. Management*. Aug., 1930.
- . Manager cities in action. VI. The conclusions of an observer. *Ernest S. Bradford*. *Nat. Mun. Rev.* Aug., 1930.
- . The council-manager plan and the courts. *John M. Pfiffner*. *Pub. Management*. July, 1930.
- . Dayton's sixteen years of city manager government. *Arch Mandel and Wilbur M. Cotton*. *Nat. Mun. Rev.* July, 1930 (Supp.).
- . The rise and spread of the city manager plan of local government. *Richard S. Childs*. *Am. City*. Sept., 1930.
- . The city manager movement in St. Paul. *Herbert Lejkovitz*. Why some cities have abandoned manager charters. I. Defects in manager charters. *Arthur W. Bromage*. *Nat. Mun. Rev.* Sept., 1930.
- City Planning.** The control of land subdivision. *Fred Kraft*. *Ill. Mun. Rev.* July, 1930.
- . Business districts in subdivision planning. *Carol Aronovici*. *Nat. Mun. Rev.* July, 1930.
- . City planning in soviet Russia. *Bertram W. Maxwell*. *Nat. Mun. Rev.* Sept., 1930.
- Community Organization.** Rural community organization. *James M. Reinhardt*. *Commonwealth Rev.* July, 1930.
- Corruption.** Behind corruption in our cities. *William Bennett Munro*. *N. Y. Times Mag.* Sept. 14, 1930.
- County Government.** Readjusting county areas in Virginia. *Wylie Kilpatrick*. *Minn. Municipalities*. July, 1930.
- . The police jury of Louisiana. *Taylor Cole*. *Southwestern Pol. and Soc. Sci. Quar.* June, 1930.
- . The Iowa county budget law. *John W. Manning*. *Nat. Mun. Rev.* July, 1930.
- . Signs of progress in county government. *Paul W. Wager and Howard P. Jones*. *Nat. Mun. Rev.* Aug., 1930.
- . A model county manager law. *Committee on County Government of the National Municipal League*. *Nat. Mun. Rev.* Aug., 1930 (Supp.).
- Courts.** Milwaukee courts move on. *Neil M. Clark*. *World's Work*. Oct., 1930.
- Crime.** Gangsters and politicians in Detroit. *Cyril Arthur Player*. *New Repub.* Aug. 13, 1930.
- . Crime and the courts in Chicago. *Lawrence Howe*. *Nation*. Sept. 24, 1930.
- Education.** Should the public schools be independent of city hall? I. The case for independent boards. *Lester Dix*. II. The case for municipal control of education. *Joseph McGoldrick*. *Am. City*. July, 1930.
- Elections.** The New York city election of 1929. *Joseph McGoldrick*. *Am. Pol. Sci. Rev.* Aug., 1930.
- . A model election administration system. (Report of Committee on

Election Administration.) *Joseph P. Harris*. *Nat. Mun. Rev.* Sept., 1930 (Supp.).

English Local Government. Right relations between the official and his council and their relative functions. *Daniel Millar*. *Pub. Admin.* July, 1930.

Finance. La réforme des finances locales en Angleterre. *Émile James*. *Rev. Pol. et Parl.* June, 1930.

———. Trend of tax rates and present burden of taxation. *James H. Gilbert*. *Commonwealth Rev.* July, 1930.

———. The finance of capital expenditures by local authorities. *W. Riley*. *Pub. Admin.* July, 1930.

———. La loi de finances et les budgets communaux. *J. Dupeyrat*. *Rev. Pol. et Parl.* July, 1930.

Functions. The scope of municipal government. *Louis Brownlow*. *Ill. Mun. Rev.* Sept., 1930.

Germany. Present-day municipal problems in Germany. *Erwin Stein*. *Pub. Management.* July, 1930.

Health. Advances in public health administration. *Henry F. Vaughn*. *Am. City.* Sept., 1930.

Highways. Highway safety and the courts. *Arthur P. Stone*. *Mass. Law Quar.* May, 1930.

———. Necessity of notice to a municipal corporation to render it liable for defects in its streets. *Phyllis Cavendar*. *Washington Law Rev.* Jan., 1930.

Housing. Multi-family housing in American cities. *Coleman Woodbury*. *Jour. Land and Public Utility Econ.* Aug., 1930.

———. Housing—one way to prosperity. *Editor*. The chance for civilized housing. *Lewis Mumford*. *New Repub.* Sept. 17, 1930.

Ireland. The present system of municipal government in the Irish free state. *T. A. Smiddy*. *Pub. Admin.* July, 1930.

Local Option. Local option and public opinion. *Carroll H. Woody* and *Samuel A. Stouffer*. *Am. Jour. Sociol.* Sept., 1930.

Mayor. Geography of American mayors. *S. S. Visser*. *Scientific Monthly.* July, 1930.

———. The duties of a mayor's executive secretary. *Virgil Sheppard*. *Pub. Management.* Sept., 1930.

Metropolitan Area. The proposed merger of St. Louis city and county. *Isidor Loeb*. Hartford adopts a metropolitan charter. *Lane W. Lancaster*. *Am. Pol. Sci. Rev.* Aug., 1930.

———. A new proposal for regional government and planning. *Reginald A. Egger*. *Am. City.* Aug., 1930.

———. Northern New Jersey seeks solution of regional problem. *Spaulding Frazer*. *Nat. Mun. Rev.* Sept., 1930.

Municipal League. Leagues of municipalities. *J. L. Franzen*. *Commonwealth Rev.* July, 1930.

Municipal Ownership. Municipal ownership and changing technology of electric industry. *P. J. Raver*. *Jour. Land and Public Utility Econ.* Aug., 1930.

———. Municipal ownership of industries in France. *William Qualid*. *Pub. Management.* Aug., 1930.

Parks. Municipal park systems—their growth and value: 1909–1930. *Clarence L. Brock*. Am. City. Sept., 1930.

———. Park needs of municipalities. *Phelps Wyman*. Ill. Mun. Rev. Sept., 1930.

Police. Can police effectiveness be measured? *Donald C. Stone*. Pub. Management. Sept., 1930.

Proportional Representation. Motives for voting as shown by the Cincinnati P. R. election of 1929. *Harold F. Gosnell*. Nat. Mun. Rev. July, 1930.

———. Cincinnati's proportional representation elections. *Robert P. Goldman*. Am. Pol. Sci. Rev. Aug., 1930.

Purchasing. Efficiency in municipal purchasing with minimum annoyance to manufacturers and dealers. *Paul V. Betters*. Am. City. July, 1930.

Street Railways. Fare problem of Atlanta street railways. *J. M. Wright*. Jour. Land and Public Utility Econ. Aug., 1930.

Traffic Courts. Telling it to the judge. *Thomas Compere*. Forum. Aug., 1930.

Urbanization. Migration to towns and cities. *Carl C. Zimmerman* and *Lynn Smith*. Am. Jour. Sociol. July, 1930.

Utilities. Joint operation of municipal utilities in Wisconsin. *E. O. Malott*. Jour. Land and Public Utility Econ. Aug., 1930.

———. Successful municipal utilities. *R. E. McDonnell*. Ill. Mun. Rev. Sept., 1930.

Villages. Village versus open country rural neighborhoods. *Walter A. Terpenning*. Am. Jour. Sociol. Sept., 1930.

Waste Disposal. Municipal housekeeping II. *John H. Nuttall*. Am. City. July, 1930.

———. Municipal housekeeping. III. *John H. Nuttall*. Am. City. Aug., 1930.

Zoning. Massachusetts cases on zoning. *James M. Rosenthal*. Boston Univ. Law Rev. June, 1930.

———. Zoning, too, has come of age. *Edward M. Bassett*. Am. City. Sept., 1930.

POLITICAL THEORY AND MISCELLANEOUS

Books

Adler, Max. Démocratie politique et démocratie sociale. Paris: L'Eglantine.

Archambault, Paul. Réalisme démocratique. Paris: Spes.

Barker, Ernest. Church, state, and study. Pp. vii + 280. London: Methuen.

Bernstein, Eduard. Cromwell and communism: socialism and democracy in the great English revolution. London: Allen & Unwin.

Buozzi, B., et Nitti, V. Fascisme et syndicalisme. Paris: Libr. Valois.

Croce, Benedetto. Moral aspects of political life. (Translated by Charles H. Tutt.) N. Y.: Oxford Univ. Press.

Deherme, Georges. Démocratie et sociocratie. Paris: Éditions Prométhée.

Dubois-Richard, P. L'organisation technique de l'état. Pp. 331. Paris: Recueil Sirey.

Ercole, Francesco, ed. Il pensiero politico di Dante. 2 vols. Pp. 372; 412. Milano: Ed. "Alpes."

Fyfe, Hamilton. Northcliffe: an intimate biography. N. Y.: Macmillan.
Haines, Charles Grove. The revival of natural law concepts. Cambridge: Harvard Univ. Press.

Janni, Ettore. Machiavelli. (Translated by Marion Enthoven.) Pp. 328. London: Harrap.

Jennings, Pauline. Shakespeare and world peace; with an essay on Beethoven and world brotherhood. Pp. 224. N. Y.: Revell.

Jordan, Elijah. Theory of legislation: an essay on the dynamics of the public mind. Pp. 486. Indianapolis: Progress Pub. Co.

Liang, Chi-Chao. History of Chinese political thought. Pp. 218. N. Y.: Harcourt, Brace.

Loiseau, Charles. Saint-Liège et fascisme. Pp. viii+234. Paris: J. Gamler.

Moór, Julius. Zum ewigen Frieden. Grundriss einer Philosophie des Pazifismus und des Anarchismus. Pp. 102. Leipzig: Felix Meiner.

Paschukanis, E. Allgemeine Rechtslehre und Marxismus. Pp. 201. Wien u. Berlin: Verlag für Literatur u. Politik.

Pechan, Hermann. Louis Blanc als Wegbereiter des modernen Sozialismus. Pp. 136. Jena: Gustav Fischer.

Rice, Stuart A., ed. Statistics in social studies. Philadelphia: Univ. of Pa. Press.

Sabine, George H., and Smith, Stanley B., eds. On the commonwealth, by Marcus Tullius Cicero. Pp. ix+276. Columbus: Ohio State Univ. Press.

Sen, Sochin. Political philosophy of Rabindranath Tagore. Pp. vii+226. Calcutta: Asher & Co.

Vandervelde, Em. Études marxistes. Paris: L'Eglantine.

Vossler, Otto. Die amerikanischen Revolutionsideale in ihrem Verhältnis zu den europäischen. Pp. 198. München: R. Oldenbourg.

White, Leonard D., ed. The new social science. Pp. 141. Chicago: Univ. of Chicago Press.

Woodward, Ernest Llewellyn. Three studies in European conservatism. N. Y. Richard R. Smith.

Articles

Church and State. Catholicism and liberalism. *John A. Ryan.* Nation. Aug. 6, 1930.

Communism. Theory and practice of communism. *A. L. Rowse.* Criterion. Apr., 1930.

Constitutional Government. The prospects of constitutional government. *Harold J. Laski.* Pol. Quar. July-Sept., 1930.

Corporate State. I fondamenti ideali del corporativismo. *Arnaldo Volpicelli.* Nuovi Studi di Diritto, Economia e Politica. May-Aug., 1930.

Democracy. The rise of our present democracy. *Stephen Coleridge.* English Rev. July, 1930.

———. Democracy old and new. *Stanley Baldwin.* English Rev. Sept., 1930.

Dictatorship. General Camona: dictatorship without a dictator. *William Leon Smyser.* Contemp. Rev. Sept., 1930.

———. Dictators or democrats? *Roger Shaw.* Rev. of Revs. Sept., 1930.

Equality. Equality—the regulative ideal for political science. *T. V. Smith.* Southwestern Pol. and Soc. Sci. Quar. June, 1930.

Harrington. Harrington and contemporary thought. *J. W. Gough.* Pol. Sci. Quar. Sept., 1930.

Pacifism. Der Pazifismus im achtzehnten Jahrhundert. *Alfred Stern.* Europäische Gespräche. June, 1930.

———. The pacifist bogey. *Dorothy Dunbar Bromley.* Harper's. Oct., 1930.

Patriotism. Patriotisme et internationalisme. *Louis Le Fur.* Rev. Pol. et Parl. Aug., 1930.

Political Science. Requirements for the doctorate in political science. *William Anderson.* Am. Pol. Sci. Rev. Aug., 1930.

Politics. Rock bottom in society and politics, geological determinants in civilization. *George Barbour.* Chinese Soc. and Pol. Sci. Rev. Apr., 1930.

Popular Government. The future of government. *J. H. Harley.* Fort. Rev. Sept., 1930.

Proportional Representation. La représentation proportionnelle. *Georges Lachapelle.* Rev. Pol. et Parl. July, 1930.

Revolution. Resistance no rebellion. *James C. Corson.* Jurid. Rev. Sept., 1930.

Socialism. Die innere Entwicklung der Sozialdemokratie. *Paul Kampffmeyer.* Sozialistische Monatshefte. June, 1930.

Social Sciences. What's wrong with college teaching in the social sciences? *H. A. Wooster.* Jour. Pol. Econ. June, 1930.

Sovereignty. Le problème de souveraineté et la politique de prospérité. *P. Dubois-Richard.* Rev. Pol. et Parl. June, 1930.

Theory of the State. La sociedad como organismo. *Adrian del Valle.* Rev. Bimestre Cubana. May-June, 1930.

———. Lineamenti di una teoria generale dello stato. *Hans Kelsen.* Nuovi Studi di Diritto, Economia e Politica. May-Aug., 1930.

———. Die Ursprungsnorm im System des Staats-und Völkerrechts. *Gustav Adolf Walz.* Archiv Öffent. Rechts. Aug., 1930.

———. The atomic theory of society. *William Orton.* Am. Pol. Sci. Rev. Aug., 1930.

Utopia. Zur Deutung der Utopia des Thomas Morus. *M. Freund.* Hist. Zeitschrift. Vol. 142, No. 2.

Women's Rights. Wo steht die Frauenbewegung? *Agnes von Zahn-Harnack.* Preuss. Jahrbücher. July, 1930.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Congress. House. Civil service committee. Apportionment of civil service employees to the various states, report to accompany H. R. 10675; submitted by Mr. Smith of Idaho. Washington: Govt. Ptg. Off., 1930. 3 p.

House. Immigration and naturalization committee. Exclusion of immigration from Philippine Islands, hearings, 71st Cong., 2d sess., on H. R. 8708. Washington: Govt. Ptg. Off., 1930. 300 p.

———. *Judiciary committee.* Prohibition amendment, hearings, 71st Congress, 2d sess., on H. J. Res. 11, 38, 99, 114, 219, and 246 . . . 2 pts. Washington: Govt. Ptg. Off., 1930.

———. *Labor committee.* Old-age pensions, hearings, 71st Congress, 2d sess. Washington: Govt. Ptg. Off., 1930. 343 pp.

———. *Rules committee.* Investigation into activities of communists in United States, hearing, 71st Congress, 2d sess., on H. Res. 80. Washington: Govt. Ptg. Off., 1930. 16 p.

Senate. Hawley-Smoot tariff bill of 1930, yea-and-nay votes in Senate, 71st Congress, on bill and all amendments thereto. . . . Washington: Govt. Ptg. Off., 1930. 369 p.

———. *Foreign relations committee.* Limitation and reduction of naval armament, individual views and minority views. 2 pts. Washington: Govt. Ptg. Off., 1930.

———. Treaty on limitation of naval armaments, hearings, 71st Congress, 2d sess. Washington: Govt. Ptg. Off., 1930. 366 p.

———. *Judiciary committee.* Constitutional amendment making war legally impossible; hearing before sub-committee, 71st Congress, 2d sess., on S. J. Res. 45, proposing amendment to Constitution of United States prohibiting war. Washington: Govt. Ptg. Off., 1930. 90 p.

———. Lobby investigations, hearings before sub-committee . . . to investigate activities of lobbying associations and lobbyists in and around Washington, D.C. Washington: Govt. Ptg. Off., 1930. 4249-4932 p. (pt. 10).

———. Amendment to national prohibition act; hearings before sub-committee amending national prohibition act so as to prohibit purchase of intoxicating liquors as beverage. . . . Washington: Govt. Ptg. Off., 1930. 17 p.

———. Repealing certain provisions of espionage act, report to accompany S. 3416. . . . Washington: Govt. Ptg. Off., 1930. 11 p.

———. *Senatorial campaign expenditures, Select committee.* Senatorial campaign expenditures, 1930. Hearings. . . . Washington: Govt. Ptg. Off., 1930. Pt. 1, 94 p. (Campaign expenditures in Illinois.)

———. *Territories and insular affairs committee.* Independence of Philippine Islands, letter from Secretary of War to chairman of Committee on Territories. . . .

submitting views of War department in relation to proposed legislation affecting Philippine Islands. . . . Washington: Govt. Ptg. Off., 1930. 266 p.

Library of Congress. Bibliography division. Federal commissions, committees, and boards, list of federal commissions . . . and similar bodies created during period Sept. 14, 1901, to Mar. 4, 1929; (S. doc. 174. 71st Congress 2d sess.) Washington: Govt. Ptg. Off., 1930. 147 p.

Library of Congress. Legislative reference service. Index and digest to legislation of states of United States enacted during biennium, 1927-1928. Washington: Govt. Ptg. Off., 1930. No. 2, 1034 p.

State department. Aliens. Status of aliens, convention between United States and other American republics. Signed Habana, Feb. 20, 1928, proclaimed June 6, 1930. Washington: Govt. Ptg. Off., 1930. 5 p. (Treaty series 815.)

———. Duties and rights of states in event of civil strife, convention between United States and other American republics; signed Habana, Feb. 20, 1928, proclaimed June 6, 1930. Washington: Govt. Ptg. Off., 1930. 5 p. (Treaty series, 814.)

———. Limitation and reduction of naval armament, treaty for . . . signed London, Apr. 22, 1920. French and English. Washington: Govt. Ptg. Off., 1930. 33 p.

———. London naval conference, digest of London naval treaty of 1930, with fleet-tonnage tables. Washington: Govt. Ptg. Off., 1930. 12-2 p. (Conference series 4.)

———. London naval treaty, radio address by Henry L. Stimson, secretary of state, June 12, 1930. Washington: Govt. Ptg. Off., 1930. 13 p. (Publication 79.)

Treasury department, Prohibition bureau. State coöperation, federal and state responsibility under concurrent power. One of a series of monographs in factual survey of prohibition enforcement. Washington: Govt. Ptg. Off., 1930. 64 p.

STATE AND TERRITORIAL

CALIFORNIA

Secretary of state. Direct primary law, 1930. . . . Sacramento, 1930. 38 p.

———. Roster of state, county, city, and township officials, state of California; also federal officials for California. . . . Sacramento, 1930. 179 p.

GEORGIA

University of Georgia, Athens. Institute of public affairs and international relations. Addresses delivered at the third annual session, July 8-19, 1929. Athens, 1929. 219 p. (University of Georgia bulletin, v. 30, no. 2.)

ILLINOIS

Secretary of state. Blue book of the state of Illinois, 1929-1930. . . . Springfield, 1929. 1084 p.

INDIANA

Board of election commissioners. Election laws of Indiana and 1930 political calendar governing primary elections, corrupt practices acts, constitutional con-

vention, and instructions to voters and election officers. . . . Indianapolis, 1930. 147 p.

———. *Conference on law observance and enforcement*. Proceedings of . . . called by Governor Harry G. Leslie . . . Oct. 11-12, 1929. Indianapolis, 1929. 144 p.

———. *Library and historical dept. Legislative bureau*. Roster of state and local officers, congressmen, judges, and prosecuting attorneys for the year 1930. . . . Indianapolis, 1930. 46 p.

• KANSAS

Governor. Message of Governor Clyde M. Reed . . . special session 1930. Topeka, 1930. 24 p.

Secretary of state. Directory of state officers, boards, and commissions. . . . Topeka, 1930. 63 p.

MARYLAND

Secretary of state. Maryland manual, 1929. A compendium of legal, historical, and statistical information. . . . Annapolis, 1930. 446 p.

MASSACHUSETTS

Special commission to study compulsory vehicle liability insurance. . . . Report . . . January, 1930. Boston, 1930. 288 p.

MICHIGAN

State department. Constitution of the state of Michigan. . . . Lansing, 1929. 42 p.

• ———. Revision of 1929. Laws relating to elections. . . . Lansing, 1930. 196 p.

University of Michigan, Ann Arbor. Royal correspondence of the Assyrian Empire, translated into English, with a transliteration of the text and a commentary by Leroy Waterman. Ann Arbor, Univ. of Mich. Press, 1930. 2 v. (Humanistic ser. v. xvii-xviii.)

MISSOURI

State department. State of Missouri. Official manual for years 1929-1930. . . . Jefferson City, 1929. 954 p.

• NEW JERSEY

Legislature. Joint committee on state audit and accounting system. Report . . . Prepared by national institute of public administration. Trenton, 1930. 381 p.

———. Manual of the legislature of New Jersey, 154th session. . . . Trenton, 1930. 732 p.

Regional planning commission. Report under Jt. res. 12 (Creating a commission to study and report . . . upon plan or plans to carry out and administer intermunicipal, intercounty, and interstate projects, to provide for coöperative

discharge of governmental functions, and to provide for the financing of such a commission.) Trenton, 1930. 25 p.

NEW YORK

Commission on revision of public service law. Report . . . Mar. 3, 1930. Albany, 1930. 50 p. Indices of minutes of hearings. Witnesses. Exhibits. Outline of testimony. N.Y., 1930. 85 p. Minutes of public hearing . . . 47 nos. p. 1-5575. Minority report of commissioners Frank P. Walsh, James C. Bonbright, David C. Adie. . . . N.Y., 1930. 321 p. Report . . . including separate reports of commissioners and counsel. Albany, 1930. 506 p.

Governor. Message recommending legislation to memorialize Congress to abrogate power of federal courts relative to public utilities. Albany, 1930. 4 p.

———. Message relative to civil service employees of the state. . . . Albany, 1930. 2 leaves.

OHIO

General assembly. Roster of members, officers, employees, and list of standing committees . . . 88th general assembly . . . Columbus, 1930. 54 p.

State library. Publications of the state of Ohio, 1929. Columbus, 1930. 12 p.

———. The legislative reference division. Its function . . . partial list of subjects on which material is available in the division. Columbus, 1930. 4 p. mim.

———. The part the legislative reference division of the Ohio state library plays in making Ohio laws. Columbus, 1930. 4 p. mim.

State University, Columbus. Dept. of political science. Information, governmental pamphlets. Number 1. A directory of city officials in Ohio. Columbus, 1930. 25 leaves. Mim.

OREGON

Secretary of state. State cabinet form of government. Constitutional amendment to be voted on at the general election, Nov. 4, 1930. Summary of report, part 1, Joint commission on administrative reorganization, 35th legislative assembly. Salem, 1930, 8 p.

SOUTH CAROLINA

General assembly. Legislative manual, 12th edition. . . . Columbia, 1930. 308 p.

TENNESSEE

Secretary of state. Tennessee blue book and official directory. Nashville, 1929. 170 p.

WASHINGTON

Dept. of education. State manual of Washington. . . . Olympia, 1930. 162 p.

WISCONSIN

Historical society. Pioneer and political reminiscences by Nils P. Haugen. Madison, 1930. 198 p.

Legislature, Assembly. Assembly manual of the Wisconsin legislature. . . . Madison, 1929. 393 p.

State department. Statutes of Wisconsin relating to coöperative associations. . . . Madison, 1929. 13 p.

Tax commission. Receipts and disbursements of the state and all its political subdivisions for the fiscal years ending on or before December 31, 1924, 1925, 1926, 1927, and 1928 (excluding transfers, refunds, agency, trust, and investment transactions). Madison, 1930. 8 p. (Wis. tax commission, Bulletin no. 37.)

———. *University of Wisconsin, Extension division.* Wisconsin city planning commissions, by Ford H. Macgregor. Madison, 1929. Mim sheets. Information report no. 77.

FOREIGN

AUSTRALIA

Royal commission on the constitution. Report, with appendices. 1929. 371 p.

BOLIVIA

Actas y documentos de las conferencias de plenipotenciarios bolivianos y paraguayos. La Paz, 1929.

CUBA

Presidente. Memoria de . . . Gerardo Machado y Morales, 1928-29. Havana, 1930.

FEDERATED MALAY STATES

Report on coöperation in Malaya, by C. F. Strickland. Kuala Lumpur, 1929. 19 p.

GERMANY

Auswärtiges amt. Verzeichnis der ausländischen konsulen im Deutschen reich. Berlin, Mittler, 1930. 101 p.

Cleve. Eine sammlung der wichtigsten f. d. stadt Cleve gült. verordnungen u. sätzen, nebst eine reihe sonst. wicht. bestimmungen. Cleve, Bosz, 1930. 711 p.

Leipzig, Städtische hauptkanzlei. Handbuch der verwaltung der stadt Leipzig, 1930-31. Leipzig, Arnst, 1930. 351 p.

Lübeck, Stadtbibliothek. Veröffentlichungen, stück 3: Stolterfoht, H. A., Bibliographie zur geschichte der Lübecker. Lübeck, 1930. 71 p.

———. Handbuch der bürgerschaft der freienstadt Lübeck. Lübeck, 1930. 125 p.

Prussia, Staatsrat. Handbuch . . . von Dr. Kühn, Staatsrats-archivar. Berlin, Decker, 1930. 292 p.

Reichsministerium des innern. A B C des reichsrechts. Gesamtverzeichnis zum bundes-und reichs gesetzblatt, 1867-1929. Berlin, Reichsverlagsamt, 1930. 688 p.

———. Reichsgesetzblatt, t. 2., 1930: Gesetz über d. änderung d. satzung d. ständ internat. gerichtshof und der beitriff d. Vereinigten Staaten von America zu d. gerichtshof. Berlin, 1930. 39 p.

Reichstag. Entwürfe zu den gesetzen über die Haager konferenz und die sonder- und liquidationsabkommen. Amtliche ausgabe. Berlin, 1930. v. p. Text in English, French, German.

———. Verzeichnis der mitglieder des 4. wahlperiode und der reichsregierung sowie der bevollmächtigten zum reichsrat. Berlin, Heymann, 1930. 124 p.

Reichszentrale für heimatsdienst. Richtlinie. no. 201: Auf dem wege zur reichsreform. Berlin, Zentralverlag, 1930. 8 p.

———. no. 195: Minderheiten frage als europäisches problem. 1930. 8 p. 196: Weg zur finanzreform. Berlin, 1930. 8 p.

———. Zum verfassungstage. Eine zusammenstellung von reden, zitatén, gedichten, daten, und vorschlägen zur ausgestaltung von verfassungs feiern. Berlin, Zentralverlag, 1930. 64 p.

Statistisches reichsamt. Statistik des deutschen reichs, Bd. 372, Die wahlen zum reichstag am 20 Mai, 1928. Berlin, 1930. 80 p.

Reichswirtschaftsministerium. Übersicht über den stand der wirtschaftspolitischen beziehungen zwischen Deutschland und folgenden ländern: I. Europa: Belgien-Luxemburg, Bulgarien, Dänemark, Finnland, Frankreich, Saargebiet, Griechenland, Groszbritannien, Italien, Jugoslawien, Niederlande, Norwegen, Österreich, Polen-Danzig, Portugal, Randstaaten, Rumänien, Russland, Schweden, Schweiz, Spanien, Tschechoslowakei, Ungarn; II. die Brit. dominions und Brit.-Indien; III. Asien: China, Japan, Niederländisch-Indien, Türkei; IV. Amerika: Vereinigten Staaten, Mexiko, Argentinien, Brasilien, Chile. Berlin, 1929. 92 typewritten sheets.

GOLD COAST

Committee on proposed constitution for Achimota. Report. 1929. 26 p.

Governor. Address by governor, Sir Ransford Slater, on opening of 31st session of the legislative council, 1930. 180 p.

GREAT BRITAIN

The Channel tunnel. Statement of policy. Presented to Parliament by command. . . . June, 1930. Cmd. 3591. 6 p.

Colonial office. Colonial development advisory committee. First interim report. 1930. 32 p. Cmd. 3540.

———. Colonial office conference, 1930 Summary of proceedings. London: H. M. S. O., 1930. Cmd. 3628.

———. Committee on the system of appointment in the colonial office and in the colonial services. Report . . . London: H. M. S. O., 1930. 60 p. Cmd. 3554.

———. Report of the commission on the Palestine disturbances of August, 1929. . . . Lond: H. M. S. O., 1930. 202 p. Cmd. 3530.

Conference on electoral reforms. Letter from Viscount Ullswater to the prime minister, July 17, 1930. Lond: H. M. S. O., 1930. Cmd. 3636.

Foreign office. Chinese courts in the international settlement at Shanghai. Agreement between H. M. Govt. and Netherlands, Norwegian, and Chinese governments. Lond: H. M. S. O., 1930. Cmd. 3563.

———. Correspondence with the Holy See relative to Maltese affairs, Janu-

ary, 1929, to May, 1930. . . . Lond: H. M. S. O., 1930. 95 p. Cmd. 3588 (Holy See no. 1.)

———. League of nations. 59th session of council. Report of British delegate. Lond: H. M. S. O., 1930. Cmd. 3632.

———. Memorandum on the results of the London naval conference from January 21 to April 15, 1930. Lond: H.M.S.O., 1930. 5 p. Cmd. 3547.

Indian office. Report of Indian central committee. Lond: H. M. S. O., 1929. 428 p.

ITALY

• *Ministero delle colonie.* Le colonie italiane de diretto dominio, con appendice sul possesso delle isole italiane dell'Egeo, notiziario demografico-economico. Roma, 1929. 170 p.

PERU

• La constitución en 1920 y el reglamento interior de las Cámaras legislativas. Lima, 1929.

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